

Missouri—Posts Nos. 2, 4, 13, 16, 17, 19, 21, 22, 26, 29, 30, 34, 39, 42, 53, 59, 69, 78, 107, 110, 115, 124, 141, 158, 171, 177, 190, 194, 197, 214, 219, 220, 247, 251, 257, 271, 282, 316, 320, 322, 332, 352, 358, 377, 383, 387, 391, 393, 424, 429, 437, 458, 466, 488, 514, 544, 549, 569.

New Hampshire—Posts Nos. 2, 3, 4, 7, 9, 16, 17, 29, 46, 57, 64, 71, 72, 85, 86.

Nebraska—Posts Nos. 8, 11, 13, 18, 19, 24, 34, 61, 64, 77, 84, 89, 94, 95, 120, 132, 165, 177, 323.

New Jersey—Posts Nos. 2, 3, 4, 5, 11, 12, 14, 15, 16, 26, 27, 29, 34, 37, 43, 45, 46, 55, 64, 71, 73, 79, 83, 85, 103, 107, 11, 113, 118.

New Mexico—Posts Nos. 2, 3.

New York—Posts Nos. 2, 4, 5, 6, 7, 9, 11, 17, 18, 20, 21, 24, 28, 29, 30, 41, 42, 43, 44, 47, 52, 55, 60, 62, 67, 69, 75, 79, 80, 81, 83, 88, 89, 96, 104, 106, 109, 110, 111, 113, 117, 118, 121, 122, 130, 132, 135, 136, 141, 143, 148, 151, 156, 160, 162, 166, 179, 182, 185, 195, 197, 202, 206, 209, 212, 217, 219, 221, 222, 230, 231, 233, 237, 239, 240, 247, 251, 254, 255, 264, 269, 276, 279, 281, 283, 294, 299, 301, 307, 309, 315, 326, 327, 330, 333, 335, 342, 345, 354, 361, 366, 369, 371, 378, 389, 392, 393, 394, 399, 400, 402, 408, 409, 421, 422, 423, 427, 432, 435, 436, 442, 449, 451, 458, 471, 494, 496, 500, 516, 527, 529, 532, 539, 552, 559, 565, 578, 584, 585, 607, 623, 628, 630, 644, 650, 653, 656, 669.

North Dakota—Posts Nos. 2, 6, 7, 12, 15, 24, 38.

Ohio—Posts Nos. 1, 4, 5, 7, 12, 13, 14, 19, 21, 22, 25, 28, 36, 47, 54, 60, 67, 78, 79, 97, 103, 113, 117, 130, 137, 156, 158, 159, 162, 178, 182, 186, 187, 194, 195, 202, 204, 220, 222, 225, 232, 241, 249, 250, 251, 252, 277, 283, 310, 327, 332, 350, 352, 355, 368, 369, 384, 389, 422, 426, 435, 482, 487, 537, 565, 568, 579, 599.

Oklahoma—Posts Nos. 3, 40.

Oregon—Posts Nos. 6, 7, 13, 36, 70, 75.

Pennsylvania—Posts Nos. 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 22, 24, 28, 30, 31, 37, 39, 42, 44, 46, 47, 50, 51, 58, 59, 61, 62, 67, 68, 71, 73, 76, 78, 79, 84, 88, 90, 91, 96, 97, 98, 99, 114, 115, 116, 117, 118, 122, 123, 124, 130, 137, 140, 144, 146, 149, 151, 155, 159, 170, 179, 181, 182, 189, 203, 214, 215, 216, 217, 225, 226, 228, 232, 237, 246, 250, 256, 259, 275, 290, 293, 297, 308, 309, 311, 312, 336, 350, 357, 363, 366, 383, 400, 405, 406, 407, 452, 475, 476, 480, 494, 495, 502, 511, 527, 537, 569, 571, 576, 582.

Rhode Island—Posts Nos. 4, 6, 7, 10, 15, 17, 19, 24, 26.

South Dakota—Posts Nos. 7, 9, 13, 15, 17, 19, 62, 81, 89, 108, 127.

Texas—Posts Nos. 1, 3, 4, 10, 11, 19, 53, 78, 96.

Tennessee—Posts Nos. 1, 20, 21, 28, 40, 50, 67.

Utah—Posts Nos. 1, 3, 5, 6, 7.

Virginia and North Carolina—Posts Nos. 7, 14, 22, 33, 44, 47, 50, 53, 61.

Vermont—Posts Nos. 4, 6, 7, 13, 18, 26, 47, 60, 72, 98, 108, 111, 114, 116, 117.

West Virginia—Post No. 46.

Washington and Alaska—Posts Nos. 1, 2, 16, 22, 46, 47, 48, 64, 89, 90, 95, 99, 100.

Wisconsin—Posts Nos. 2, 4, 7, 8, 9, 17, 19, 20, 25, 33, 42, 44, 47, 50, 74, 83, 86, 87, 91, 94, 95, 98, 102, 109, 116, 126, 127, 147, 151, 157, 207, 208, 212, 213, 247, 261.

Montreal, Canada—Post No. 105.

By Mr. BULL: Petitions of keepers and surfmen of Point Judith, Block Island, and Narragansett Pier (R. I.) life-saving stations, for the passage of bill to promote the efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of citizens of Pittsburg and vicinity, State of Pennsylvania, favoring the exclusion of alcoholic liquor from Africa and all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. DE ARMOND: Paper to accompany House bill granting an increase of pension to William H. Leavell—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of the Merchants' Exchange of Charleston, S. C., praying that the operations of the United States Geological Survey be extended so as to include the forests of South Carolina and the Eastern States—to the Committee on the Public Lands.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made to carry on the work of the Geological Survey relative to the water power of the country for manufacturing and other purposes—to the Committee on the Public Lands.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made for the improvement of the public roads of the country—to the Committee on Agriculture.

Also, petition of the Merchants' Exchange of Charleston, S. C., praying for the establishment of a national forest reserve—to the Committee on the Public Lands.

By Mr. FREER: Petition of Henry King, also affidavits, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of William M. Cheuvront, of Wirt County, W. Va.—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of C. A. Stanton and other business firms of Madison, Ind., for the repeal of the tax of 15 per

cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of letter carriers of Benton Harbor, St. Joseph, and Dowagiac, Mich., in favor of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petition of A. W. Smith and 51 other citizens of Richmond, Me., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of citizens of the State of New Jersey, in favor of the anti-polygamy amendment to the Constitution and certain other measures—to the Committee on the Judiciary.

By Mr. MUDD: Petition of Joshua Jones, of Calvert County, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCUDDER: Protest of citizens of Greenport, Long Island, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Papers in support of House bill No. 11274, for the relief of George L. Neafus, of Meade County, Ky.—to the Committee on War Claims.

By Mr. YOUNG: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolutions of Farragut Association, Naval Veterans, of the port of Philadelphia, Pa., for the passage of Senate bill No. 3422, an act to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

Also, petition of C. L. Shaffer and other railway postal clerks of the State of Illinois, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. K. Mulford Company, Philadelphia, Pa., advocating governmental aid to shipping, and the passage at this session of some measure that will accomplish this purpose—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Grand Army of the Republic Association of Philadelphia County, Pa., in favor of the passage of House bill granting an increase of pension to Col. Charles L. Leiper—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, January 17, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President—

The PRESIDENT pro tempore. The Chair desires to say to those present, especially in the galleries, that under the rules of the Senate no applause and no evidences of disapprobation are permitted.

Mr. PENROSE. I rise to a question of privilege. I present the credentials of Hon. Matthew S. Quay as a duly elected Senator from the State of Pennsylvania, and ask that they be read.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The Secretary read the credentials of Matthew Stanley Quay, chosen by the legislature of the State of Pennsylvania a Senator from that State for the balance of the constitutional term which began March 4, 1899.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. PENROSE. I ask that Hon. Matthew S. Quay be now permitted to take the oath of office.

The PRESIDENT pro tempore. The Senator-elect will present himself at the desk to take the necessary oath.

Mr. Quay was escorted to the Vice-President's desk by Mr. PENROSE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

REPORTS ON ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey recommending the passage of a resolution providing for the printing of 15,000 copies of the reports on Alaska, etc.; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

ADOLPH HARTIENS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by that court in the cause of Adolph Hartiens, tutor to his three infant children, etc., vs. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTE OF MICHIGAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Michigan at the election held therein on the 6th day of November, 1900; which, with the accompanying paper, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

A bill (H. R. 13599) to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

The message also announced that the House had passed a concurrent resolution providing for the appointment of a joint committee of three Senators and three Representatives to make the necessary arrangements for the inauguration of the President and Vice-President elect of the United States on the 4th day of March next; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 953) to divide the State of West Virginia into two judicial districts; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of the keepers and life-saving crews of Southampton station, Georgia station, and of Short Beach station, all in the State of New York, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented the petition of W. M. Taylor and sundry other citizens of Stonybrook, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented sundry petitions of citizens of the State of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of the congregations of the Methodist Episcopal, the Advent Christian, and the Free Baptist churches, all of Whitefield, in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented the petition of S. T. Noyes, of Colebrook, N. H., and the petition of F. O. Melvin, of Bradford, N. H., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FAIRBANKS presented the petition of E. W. Douglas and 19 other citizens of Wabash, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of C. A. Stanton's Sons and 12 other business firms of Madison, Ind., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. PENROSE presented petitions of 46 citizens of Lackawanna County, of 37 citizens of Union County, of the Presbyterian Woman's Temperance Association of Philadelphia, and of 21 citizens of Pittsburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the missionary societies of the Pittsburg and Allegheny Presbyteries; of the Christian Endeavor Society of the Fourth Street Church of God, of Harrisburg; of the congregations of the Methodist Episcopal churches of Emlenton and Foxburg, of 13 citizens of Hawley, and of 69 citizens of Lewisberry, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used

for military purposes by the United States; which were ordered to lie on the table.

He also presented a petition of the T Square Club, of Philadelphia, Pa., praying for the enactment of legislation providing for the removal or the depression of the tracks of the Pennsylvania Railroad below the surface of the ground in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the enactment of legislation providing for the reduction of postage on first-class mail matter to a rate not exceeding 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Utility Grange, No. 873, Patrons of Husbandry; of 30 citizens of Jackson, 97 citizens of Jobs Corners, 30 citizens of Shartlesville, and of 13 citizens of Lemon; of Asylum Grange, No. 211, Patrons of Husbandry, of Towanda; of sundry farmers and dairymen of Montgomery County, and of 41 citizens of Susquehanna County, all in the State of Pennsylvania, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of 200 citizens of Avalon; of 250 citizens of Allegheny, and of the Home Missionary Society of Bellevue; of the temperance committee of the Methodist Episcopal Church of Peckville; of the congregation of the First Presbyterian Church of Bradford; of 150 citizens of Canonsburg; of 250 citizens of Bellevue; of the Friends' Temperance Association of Westchester; of the Christian Endeavor Society of the Presbyterian Church of Milton; of 200 citizens of Rochester; of the congregations of the Methodist Episcopal, First Presbyterian, First United Presbyterian, and First Baptist churches of Coraopolis; of 500 citizens of West Alexander; of the congregation of the Eighth Church of Allegheny; of 36 citizens of Gresham; and of 306 citizens and of the congregation of the Shadyside Presbyterian Church, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. PRITCHARD presented a petition of the Amalgamated Wood Workers' Union of Winston-Salem, N. C., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. FOSTER presented the petition of Charles Jacobson, keeper, and 7 other members of the life-saving crew at Petersons Point, Washington, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

Mr. QUARLES presented a memorial of the Wisconsin State Federation of Labor, remonstrating against the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. WELLINGTON presented a petition of the congregation of the Wilson Memorial Methodist Episcopal Church, of the city of Washington, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented two petitions of citizens of Madison and Plainfield, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Labor Union No. 8340, American Federation of Labor, of Salem, N. J., praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented petitions of the keepers and life-saving crews of Chadwick station, Pecks Beach station, Island Beach station, and Great Egg Harbor station, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. FORAKER presented a memorial of the Economic Club, of Cincinnati, Ohio, remonstrating against the enactment of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Gypsum, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all the island possessions of the United States; which was ordered to lie on the table.

He also presented a petition of the congregations of the Baptist churches of Racine and Antiquity, in the State of Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of 152 members of the American Federation of Labor, of Byesville, Ohio, praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Grocers' Protective Association, of Circleville, Ohio, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of South Orange, N. J., praying that an appropriation be made providing for an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians in Arizona; which was referred to the Committee on Indian Affairs.

Mr. McCOMAS presented the petition of J. B. Jones, keeper, and 7 other members of the life-saving crew at Isle of Wight, Maryland, and the petition of Joshua J. Dunton, keeper, and 7 other members of the life-saving crew of Ocean City, Md., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. FRYE presented a petition of the Chicago branch of the National League of Commission Merchants, praying for the repeal of revenue-stamp tax on checks, drafts, telegrams, and express packages; which was referred to the Committee on Finance.

He also presented a petition of the National League of Commission Merchants, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5075) to correct the military record of Otis B. Vanfleet; and

A bill (S. 5064) to grant an honorable discharge to William B. Barnes.

Mr. COCKRELL, from the same committee, to whom was referred the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL. I am directed by the same committee, to whom was referred the bill (S. 2656) to prevent the failure of military justice, and for other purposes, to report it adversely and to ask for its indefinite postponement, a similar House bill having just been reported by me.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5366) to provide for the establishment of light-house and fog-signal stations in Alaskan waters, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4214) granting an appropriation to the trustees of the Woman's National Industrial Exhibit of the city of Washington, D. C., asked to be discharged from its further consideration, and that it be referred to the Select Committee on Industrial Expositions; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5244) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was re-

ferred the bill (S. 5427) to amend section 4472 of the Revised Statutes of the United States so as to permit steamboats to carry automobiles using gasoline as a method of propulsion, reported it with an amendment, and submitted a report thereon.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, reported an amendment authorizing the Attorney-General to employ an additional assistant attorney to be assigned to represent the United States before committees of the Senate or House of Representatives in relation to bills for the payment or allowance of claims against the United States, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 5583) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak., reported it without amendment.

Mr. NELSON, from the Committee on Commerce, reported an amendment in relation to the salaries of superintendents of the Life-Saving Service of the United States, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5351) permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia, reported it with amendments, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was recommitted the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported it with an amendment, to strike out all after the enacting clause.

WILLIAM BURKE.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4020) for the relief of William Burke, to report it with an amendment, and I ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 7, after the word "discharge," to insert "as of June 15, 1863," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of William Burke, late of Company K, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and issue to him an honorable discharge as of June 15, 1863: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE J. TITCOMB.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 533) to remove the charge of desertion against George J. Titcomb and to grant him an honorable discharge, to report it favorably with an amendment.

This bill passed the House during the last session and I did not have time to complete the examination of it. It is a very short bill, and the amendment is short. I ask that it may be now considered.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 6, after the words "and to," to strike out "grant him an honorable discharge" and insert "substitute therefor 'found dead in Boston Harbor May 21, 1864,'" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George J. Titcomb, late of the Sixth Battery Massachusetts Volunteer Light Artillery, and to substitute therefor "found dead in Boston Harbor May 21, 1864."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of George J. Titcomb."

SUBPORTS OF ENTRY IN TERRITORY OF HAWAII.

Mr. HANNA. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5484) to provide for subports of

entry and delivery in the Territory of Hawaii, to report it favorably with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to its present consideration?

Mr. PETTIGREW. I desire to hear the report read on the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report this day submitted by Mr. HANNA, as follows:

[Senate Report No. 1907, Fifty-sixth Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 5484) to provide for supports of entry and delivery in the Territory of Hawaii, having duly considered the same, report it with an amendment, and as thus amended recommend that the bill pass.

The amendment is in accordance with the suggestion of the Assistant Secretary of the Treasury, whose letter is appended and made a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 11, 1901.

SIR: I have the honor to acknowledge the receipt of a letter, dated the 9th instant, from the clerk of your committee, transmitting for an expression of my views thereon Senate bill 5484, providing for the designation by the Secretary of the Treasury of places in the Territory of Hawaii as supports of entry and delivery, and conferring upon officers to be stationed at such supports authority to enter and clear vessels, receive duties, fines, and other moneys, and perform such other services as the exigencies of commerce may require.

In reply I have to state that in my opinion the bill should be amended in such manner as to confer upon the Secretary of the Treasury the authority to discontinue such supports of entry or delivery whenever in his judgment there is necessity for such action, and if so amended I see no objection to the passage of the bill.

Respectfully,

O. L. SPAULDING,
Assistant Secretary.

Hon. WM. P. FRYE,
Chairman Committee on Commerce, United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Commerce was to add at the end of the bill the following proviso:

Provided, however, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to discontinue such supports of entry or delivery whenever, in his judgment, there is necessity for such action.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING SERVICE.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was recommitted the bill (S. 5211) to fix the compensation of district superintendents in the Life-Saving Service, to report it favorably with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill.

Mr. PETTIGREW. I should like to hear the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report this day submitted by Mr. NELSON, as follows:

[Senate Report No. 1910, Fifty-sixth Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 5211) to fix the compensation of the district superintendents in the Life-Saving Service, beg leave to report as follows:

A bill similar to this has been introduced and is pending in the House of Representatives, and was by that body referred to the Treasury Department for suggestion as to its merits and the propriety of its passage. In response to such reference the General Superintendent of the Life-Saving Service, in the Treasury Department, made the following report thereon, which is hereto attached and made a part of this report. In pursuance to the recommendation contained in this report, your committee recommend that section 1 of said bill be amended by striking out all after the word "be," in line 4 of said section, and inserting in lieu thereof the following: "\$2,500 per annum, except that of the superintendent of the Eighth district, which shall be \$1,500 per annum."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. Is that all of the report?

The PRESIDENT pro tempore. There is quite a long letter from the Superintendent.

Mr. PETTIGREW. I should like to know the reasons for the passage of the bill, and I shall object unless they are given.

The PRESIDENT pro tempore. There is a letter from the Superintendent of the Life-Saving Service which accompanies the report and is referred to in it. Does the Senator desire to have it read?

Mr. PETTIGREW. If it gives the information I desire, the reason why these salaries should be increased.

The PRESIDENT pro tempore. It does.

Mr. SEWELL. Mr. President, I feel a natural interest in the Life-Saving Service, as the coast of my State is one of the worst

along the country. The superintendents are very poorly paid. They have to go long distances at their own expense and they see very hard service. The service itself has become more interesting every year to everyone who has studied it. The saving of life and property is increasing every year by reason of the fact that the General Superintendent of the Service has given the closest kind of attention to securing the proper men, and he has avoided having anything to do with politics in the service.

Mr. PETTIGREW. Is he a native of New Jersey?

Mr. SEWELL. I am talking about the General Superintendent here, Mr. Kimball. There is, in his opinion, a necessity for increasing the pay of these men. It runs about \$1,500, and is proposed to be increased up to twenty-five hundred for certain districts that are very much exposed. I went to see him about it and found he was very anxious indeed to have the bill passed. I hope it will be passed.

The PRESIDENT pro tempore. Does the Senator from South Dakota desire to have the letter read?

Mr. PETTIGREW. I desire to have the letter read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT OF LIFE-SAVING SERVICE,
Washington, January 2, 1901.

SIR: I have the honor to acknowledge the receipt of your reference, for report, of a letter from the Committee on Interstate and Foreign Commerce, House of Representatives, dated the 20th ultimo, transmitting House bill (No. 12049) to fix the compensation of district superintendents in the Life-Saving Service, and asking for suggestions touching its merits and the propriety of its passage.

In reply, I would state that my views upon the subject-matter of the bill were expressed at length in the last annual report of the Life-Saving Service (not yet printed), and I beg that the inclosed extract therefrom, covering the matter referred to, may be given consideration in connection with said bill.

The bill was evidently drawn to conform to the implied recommendations in the extract referred to. The three superintendents for whom a salary of \$2,000 each is provided have charge of the three districts containing a smaller number of stations than the others. They also have somewhat less responsibility, and if there is to be any discrimination in the rate of compensation their selection for the lower rate is properly made. I think it proper to say, however, that the rate of \$2,500 is amply earned by each of the superintendents of these smaller districts. Assiduous application is required for the performance of their arduous duties, which, in each instance, are all that one man, however diligent, can effectively attend to. Indeed, I am assured that where these duties are performed without clerical assistance it is only through the expenditure of much labor at night by the superintendents themselves.

With reference to the three districts concerned, the following considerations are worthy of attention:

As to the Third, I would repeat here that most of its stations are located upon islands difficult of access and dangerous to visit in the bad weather of the active season, and that its superintendent, in addition to his regular duties, takes entire care of the telephone line of the service in his district, thus saving the Government the expense of a lineman. Moreover, several new stations will soon be added to his charge, some of which are already authorized.

In the Ninth district the difficulties of administration of the office of superintendent are extreme, as the district embraces a large extent of territory, the greater portion of which is almost destitute of railroad facilities and other means of comfortable traveling. The stations are scattered at distant intervals on the coast of the Gulf from Santa Rosa station, on Santa Rosa Island, coast of Florida, to the Brazos station, on Brazos Island, near the mouth of the Rio Grande, a distance of some 800 miles. To show something of the nature of the work required in this district it is only necessary to call to mind the disastrous storms and floods which periodically ravage the coast of this district, of which the Brazos River flood of July, 1899, and the Galveston disaster of September last are extreme instances. These tempests and inundations put the powers of the superintendent to the highest test.

The Tenth district covers one of the greatest industrial sections of the country, the ports of Buffalo, Cleveland, and other cities on the south shore of Lakes Erie and Ontario controlling nearly, if not quite, 70 per cent of the tonnage of the Great Lakes. The vast commercial interests involved are more or less under the protection of the superintendent of this district, and necessarily require his closest and best attention. In proportion to the number of stations involved, the office work of the superintendent of this district is probably greater than that of any other district superintendent.

I do not believe that there are any other officers under the Government charged with equally onerous duties and responsibilities to whom a lower compensation than \$2,500 is paid, and, although such duties and responsibilities are less than those of the other officers referred to in the bill, the uniform rate named would undoubtedly be satisfactory to all.

If, in view of the foregoing considerations, the committee should see fit to recommend the uniform rate specified, I would suggest that section 1 of the bill be amended by striking out lines 5, 6, 7, 8, 9, and 10 and inserting in lieu thereof the following: "Two thousand five hundred dollars per annum, except that of the superintendent of the Eighth district, which shall be \$1,500 per annum;" so that the section will read:

"That from and after the passage of this act the compensation of district superintendents in the Life-Saving Service shall be \$2,500 per annum each, except that of the superintendent of the Eighth district, which shall be \$1,500 per annum."

Respectfully,

S. I. KIMBALL,
General Superintendent.

THE SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Commerce was, after the word "be," in line 4, to strike out the remainder of the section and insert "\$2,500 per annum, except that of the superintendent of the Eighth district, which shall be \$1,500 per annum."

The amendment was agreed to.

Mr. MALLORY. I should like to make an inquiry as to the

bill. Does it proceed to increase the pay of the employees as well as the officers of the Life-Saving Service?

The PRESIDENT pro tempore. Only the superintendents. The salaries of the employees were increased at the last session.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5598) to amend the immigration laws of the United States relative to the insane, idiotic, or epileptic; which was read twice by its title, and referred to the Committee on Immigration.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5599) granting a pension to Mexico Boone (with accompanying papers);

A bill (S. 5600) granting a pension to Ivin Ingle; and

A bill (S. 5601) granting an increase of pension to Adelaide Worth Bagley.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5602) granting an increase of pension to John Winters (with an accompanying paper);

A bill (S. 5603) granting an increase of pension to Burr Boham (with accompanying papers);

A bill (S. 5604) granting a pension to Henrietta Wexler; and

A bill (S. 5605) granting an increase of pension to Joseph C. Bolton (with accompanying papers).

Mr. TOWNE (by request) introduced a bill (S. 5606) for the extension of Seventeenth street to the Walbridge subdivision of Ingleside; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5607) for the relief of Bettie Brooks Metcalf and the estate of Lucie Brooks Bell, deceased;

A bill (S. 5608) for the relief of Mrs. Julia A. Thomas, widow and administratrix of John C. Thomas, deceased;

A bill (S. 5609) for the relief of J. C. Mize, administrator of John C. Thomas, deceased;

A bill (S. 5610) for the relief of G. B. Harper and J. S. Clearman, executors of W. L. Clearman, deceased;

A bill (S. 5611) for the relief of J. D. Burnham; and

A bill (S. 5612) for the relief of Mary Vance, administratrix of James J. Vance, deceased.

Mr. KYLE introduced a bill (S. 5613) extending the provisions of the agricultural college grant, approved August 30, 1890, to the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PROCTOR introduced a bill (S. 5614) incorporating the Society of American Florists and Ornamental Horticulturists; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PERKINS introduced a bill (S. 5615) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HANNA introduced a bill (S. 5616) to provide for the purchase of a site and the erection of a public building thereon at Zanesville, in the State of Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5617) granting an increase of pension to William Harrington (with accompanying papers);

A bill (S. 5618) granting an increase of pension to Horatio N. Whitbeck (with accompanying papers); and

A bill (S. 5619) granting a pension to Charlotte H. Race (with an accompanying paper).

Mr. SHOUP (by request) introduced a bill (S. 5620) for the relief of Capt. H. A. Reed; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 5621) for the relief of Nannie Steptoe Eldridge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5622) granting an in-

crease of pension to Georgina M. Mack; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5623) granting an increase of pension to Joseph McGuckian; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5624) granting thirty days' leave of absence, with pay, to the employees of the Government Printing Office and the Bureau of Engraving and Printing; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$7,000 to enable the Librarian of Congress to purchase the private and official diary and the letter books of Robert Morris during the years 1781 to 1784, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. TOWNE (by request) submitted an amendment proposing to appropriate \$10,000 for paving Fourth street NE. from U street NE. northward to Frankfort street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MALLORY submitted an amendment providing that the amount appropriated for the improvement of the Escambia and Conecuh rivers, in the State of Florida, may be expended in dredging a channel of 8½ feet at the mouth of the Escambia River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CAFFERY submitted an amendment proposing to increase the appropriation for improving Bayou Teche, Louisiana, from \$7,500 to \$10,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

THE NICARAGUAN CANAL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; which was referred to the Committee on Inter-oceanic Canals, and ordered to be printed.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

The bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

PREFERENCE IN CIVIL APPOINTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. LODGE, as follows:

Resolved, That Senate bill 5417, to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers, be recommitted to the Committee on Civil Service and Retrenchment.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. A few days since there was a communication from the Postmaster-General touching useless documents and papers in his Department. The Chair hardly knew at the time what to do with it, but on investigation he finds that there were members of a joint committee appointed on the part of the Senate. The members were the senior Senator from Pennsylvania [Mr. PENROSE] and the junior Senator from Texas [Mr. CULBERSON]. Therefore, he will refer these papers to that joint committee.

There were other papers from other Departments relating to the same matter, which have been referred to the Committee on the Library and the Committee on Civil Service and Retrenchment. The Chair asks that those committees may be discharged from the consideration of those matters referred to them and that they be referred to the same joint committee. Is there objection? The Chair hears none, and it is so ordered. The morning business is closed.

PORT OF MILWAUKEE, WIS.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended. It is a local measure giving the city of Milwaukee the same benefit of the immediate transportation of dutiable goods that other cities of that size have.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. It seems to me, as unanimous consent has been given to vote upon the Army bill to-morrow, that that unanimous consent carries with it a session of the Senate for the purpose of discussing the measure until it is disposed of, and that to go into executive session now would be a violation of that consent. There are Senators who wish to speak upon the Army bill, and we have a right to have that opportunity as long as the Senate is in session up to 4 o'clock to-morrow.

Mr. JONES of Arkansas. I hope the Senator from Ohio will not make the motion now, because I agree with the Senator from South Dakota. While there was no express agreement when the unanimous consent was given, I thought of making the suggestion then that the time should be given to a discussion of the Army bill up to 4 o'clock to-morrow. As there are a number of Senators who desire to speak, I think it would not be keeping faith with the Senate to take up with matters in executive session the time that ought to be given to the discussion of the Army bill. I hope the Senator from Ohio will not insist on his motion.

Mr. FORAKER. I do not want to violate any agreement, either expressed or implied. I did not suppose there was even an implied agreement. I know there was no express agreement that we should not have an executive session.

Mr. PETTIGREW. An opportunity for an executive session may come later in the day.

Mr. FORAKER. The Senator from South Dakota and the Senator from Arkansas will remember I announced two or three days ago that I would feel it my duty to ask for an executive session at the close of the morning business, if that should prove necessary, in order that we might procure action upon the nomination we have had under consideration.

Mr. PETTIGREW. It may be possible to have an executive session later in the day if there is no one who then wishes to speak, but now there are several who wish to speak, and it seems to me that it would, impliedly at least, violate the unanimous-consent agreement. Otherwise we could be cheated out of any further consideration whatever, if the majority chose to do it, and there would be no more unanimous-consent agreements, of course.

The PRESIDENT pro tempore. The Chair would state that this debate is proceeding by unanimous consent.

Mr. BUTLER. If the Senator from Ohio will pardon me, I wish to say that, realizing the anxiety of the committee to get a vote on the bill at the earliest possible moment, and knowing the pressure of business, I cut my remarks yesterday very short, because there were others who desired to speak to-day. I certainly should not have felt like cutting short my remarks if I had known that the time of the Senate was to be taken up by anything else than the discussion of this bill.

Mr. FORAKER. It is not necessary to discuss the matter with me. I did not suppose there was an implied agreement of that character. I supposed we could go into executive session upon any business that was pressing; but if the Senator thinks the agreement which was made to vote at 4 o'clock to-morrow on the Army bill carries with it an implied agreement that we shall not go into executive session until after that time has passed, I will withdraw the motion. I give notice, however, that I will renew the motion for an executive session if we reach a point where there is no Senator desiring to take the floor on the Army bill.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of Agriculture of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1900, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 17, 1900.

HEARINGS ON RIVER AND HARBOR BILL.

The PRESIDENT pro tempore. The occupant of the chair desires to give notice, while a majority of Senators is present, that the Committee on Commerce instructed its chairman to give notice that Senators could be heard on the river and harbor bill on Monday, Tuesday, Wednesday, and Thursday of next week, the hearings commencing at half-past 10 o'clock each morning; that there will be no hearings after those four days, and no hearings of persons outside of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed, with amendments, the joint resolution (S. R. 142) to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1901; in which it requested the concurrence of the Senate.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. MONEY. Mr. President, I was a little diffident about undertaking the discussion of the measure before the Senate because of what seemed to be the opinion of the committee that nothing could be effected by debate on general principles, but, of course, the minority desire to perfect the bill as far as they can if it is at last to become a law.

I think this matter of having a large standing army permanent in its character is so new a departure and of such momentous consequence to this country, to this Government, and to this people that it needs a little discussion as to its general principles and policy.

The constitutional question involved in the power given to the President to maintain an army at the maximum strength has been well debated on both sides, and it would be probably absolutely unnecessary for me to say anything on that point; but it seems to be conceded on the other side that the President can not support an army.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield?

Mr. MONEY. I do.

Mr. BACON. I ask that there may be less conversation in the Chamber. It is exacting enough on any speaker to be heard even when there is no confusion prevailing.

The PRESIDENT pro tempore. Conversation in the Senate must cease. There is too much confusion.

Mr. MONEY. I hope this is not on my account. I want to say to Senators that I am perfectly willing to have them indulge in conversation as much as they please. I only feel sorry that I have interrupted them.

The PRESIDENT pro tempore. Order should be preserved on account of the dignity of the Senate.

Mr. MONEY. I say it seems to be conceded on the other side that the President can not support an army, but that he can maintain one at its maximum strength. It was ably contended on this side that that being a delegated power to Congress, Congress could not delegate it to another. It happens that just below the paragraph in the Constitution which declares that "the Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years," there follows this clause:

To provide and maintain a navy.

Certainly that is a delegated power. That clause does not mean that the President shall maintain a navy when it has been raised, but yet, taking the two paragraphs together, "to support" and "to maintain" are synonymous terms, and can not be construed in any other way. The whole matter must be construed together. It seems to me that that simple fact would show that the argument is good which has been made on this side of the Senate—that the President, when he is authorized to maintain, has had delegated to him a power, but the delegated power does not seem to trouble some of our friends in the majority in this body.

My distinguished friend from Ohio [Mr. FORAKER]—and I am sorry to see that he is absent from the Chamber—took occasion to declare yesterday that this is a nation of inherent powers. That is a phrase having considerable latitude. The Senator from Ohio is a man of such power and such ability as a lawyer and as a statesman, and of such sincerity of conviction, that he means exactly what he says, I presume, when he says that. I can not pass by an utterance of that character from so distinguished a source without entering my dissent and protest.

If this is a Government of inherent powers, then the Constitution

was useless, unless the distinguished Senator considers its provisions simply as a distribution of the functions of Government among the three coordinate branches of the Government named in the instrument.

But, Mr. President, that view of the question is entirely negatived by the terms of the Constitution itself. In the tenth amendment to the Constitution, which seems to have passed utterly out of mind in the debate, it is said that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The words "delegated" and "prohibited" coming together with this reservation of some power—it makes no difference how great or how small the power may be—shows that the Constitution makers never thought of this Government as one of inherent powers, but as one of granted powers, and as one of prohibited powers.

My friend from Wisconsin [Mr. SPOONER], a distinguished jurist and lawyer, who displayed the other day something of the temperament of an optimist—I believe he said he was an optimist—proceeded very much upon the supposition which prevailed in the days of monarchy, that the king could do no wrong. He said that the presumption was that every public functionary would do his duty. Of course, that is the presumption, and we may say that is the rule; but there are many exceptions to it. When a law of any character is made the presumption is that the citizen will obey the law, and because in every case the citizen will not obey the law there is the sanction of the statute, and the man who violates the law is punished, not entirely punitively, but to deter others from committing like offenses in violating the law.

I am something of an optimist myself. I have a cheerful disposition; I am accustomed to see things in a rosy light; I never expect that I or my party or my friends, or anybody I care anything about, are ever going to get whipped. Nevertheless we put checks and bars in our laws to provide against the infirmities of human nature which lead men to violate the law, which lead the best men astray under great temptation and under great provocation. So, notwithstanding the optimistic temperament which exists in a great many people, as well as in my friend from Wisconsin, the men who made the Constitution took pains to see that there were checks and bars and restraints put all around and hedging about every one of the coordinate branches of the Government.

The Senator from Wisconsin says no President has ever done anything unlawful. It is speaking very well for them if they have not.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. I did not say anything of that kind. Calling attention to the fact that there has been a law on the statute books ever since 1795 which gave the President power to call volunteers without limit as to number for a period of nine months to suppress insurrection or repel invasion, I stated that that discretionary power had never been abused. Does the Senator remember any instance when it has been abused?

Mr. MONEY. I was not alluding to that particular part of the Senator's remarks.

Mr. SPOONER. That was precisely what I was alluding to; nor did I indicate that we agree in this country with the old maxim that the king can do no wrong.

Mr. MONEY. Oh, no; the Senator did not say so expressly, but that was the inference from the tenor of his remarks.

Mr. SPOONER. I expressed my optimism in this connection, and I reiterate it. I said the authority to control this matter would always remain in Congress; that we could not divest ourselves of that power if we would. In reply to that it was stated that Congress, if in harmony politically with the President, would not modify this law or repeal it, even if Congress believed it ought to be modified or repealed. From that I took occasion to dissent, assuming that there would not be a Congress which, if it thought the law should be modified or repealed, would blindly yield to the wish of a President without a reason satisfactory to Congress, and omit to perform its duty. That is all.

Mr. MONEY. Well, I think that is about all I said in regard to the Senator's remarks.

Mr. SPOONER. No, it is not; nor anywhere near it.

Mr. MONEY. The Senator certainly said he was an optimist. I am very glad he is, and I am very glad he is of that unsophisticated nature that, after living the number of years he has, and after the number of years he has been practicing at the bar and been in public life, he has such implicit faith in human nature. It is very refreshing, and I am very glad that he has repeated the statement again to-day.

Alluding to the law empowering the President to call out the militia, I will say that that was limited to a period of nine months, but this is a permanent provision here. Not only that, but there

are limitations upon the purpose for which the militia can be called out, such as to repel invasion, to put down an insurrection, to see that the powers of the General Government are carried into effect when there is opposition, or to repel attacks of the Indians on the frontier. That is all. It is not contended that there is anything of the sort in this provision, and it is not a nine months' provision either.

There has never been any inducement for a President, I will say, to violate or extend the militia law, and the militia are not troops of the General Government, but troops of the States, and the governors may recall or disband them if they choose. So there is no parallel between the cases.

Now, Mr. President, I say that human nature is just the same everywhere. Our distinguished and amiable President is just the same man I sat with in the House of Representatives; the judges of our Supreme Bench are the same men who sat with you in the Senate. They all possess the weaknesses and infirmities of our human nature; and I say this without attributing any bad motives to anybody.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. Does the Senator mean to say that when the militia of a State are mustered into the service of the United States they are not troops of the United States, and that they can be recalled by the governor of the State?

Mr. MONEY. They are under the command of the President of the United States.

Mr. SPOONER. Does the Senator mean to say that they are subject to be withdrawn by the State at will?

Mr. MONEY. I do not know about that. I have not investigated that question; but I believe they are.

Mr. SPOONER. I believe they are not.

Mr. MONEY. I will not be positive about that, for I have not examined the subject with reference to that branch of it.

I think I have as much faith in human nature as human nature is entitled to, but I want to say that upon the question of policy—and that is the question to which I am going to address myself, because the constitutional question has been well enough discussed—there are sometimes such exigencies in political life as to compel a President to do what he does not want to do. We may have a most excellent, good man in the Presidential chair, but he may have some very bad advisers. We have a good man in the Presidential chair to-day, who declared that it would be, according to the American code of morals, something like criminal aggression to try to intrude upon the Filipinos, and then the counselors of the President persuaded him that he was mistaken. We have a most excellent and estimable President, who declared in regard to the island of Porto Rico that our plain duty was to take them into our commercial relations just as we had all the States of the Union, but he had advisers who soon made him think the other way. I am not reflecting upon the President, and will not reflect upon anybody in this Chamber, but nevertheless things happen, and we need not be so very optimistic that we can shut our eyes to things when they come to pass.

When war began with Spain the President declared that there should be no privateering. He made that declaration the day after the resolution passed the two Houses of Congress. I then called the attention of the Senate to the fact that the President had no more to say about issuing letters of marque and reprisal than one of the messengers at our door; but the incident passed without any comment except that which I myself chose to make. I did it in no spirit of fault-finding, but because I wanted to call the attention of the Senate to the fact that a power confided solely to us by the Constitution was being exercised by the President of the United States without any excuse for it whatever. No harm came of it, because privateering has almost disappeared on account of the introduction of steam and the creation of the great navies of the world which have been built within the last few years. Yet here was a discretionary power conferred upon Congress by the Constitution, and the President, without a solitary word of excuse from anybody, without any explanation, sends in a message to Congress and instructs his ministers and ambassadors to foreign courts to declare that in the conduct of the Spanish war no privateering should be practiced.

This is a proposition for a great army, for a permanent army of 100,000 men. I say as to the words "the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct," there is a great deal in the first part of the phrase, but there is nothing whatever in the other, "or until such time as Congress may hereafter direct." That is simply surplusage, because Congress can direct whenever it pleases. The trouble is that Congress does abdicate its power and is doing it to-day in Cuba and in the Philippines. It is much easier to build

up an army than it is after it has been built up to tear it down, because the interests of the social part of it are so powerful here that it will be almost impossible to reduce it. There are too many officers in all grades, too many things that may happen.

Upon that point, Mr. President, I want to read a line or two from the keenest observer of American institutions, the most analytical philosopher that ever dealt with our institutions. Indeed, it has been said somewhere—I do not recollect where, but a great many years ago I read it—that it was a singular and a remarkable fact that the best disquisition upon American institutions was written by a Frenchman, the best history of the British constitution was written by a Swiss, neither of whom had stayed for more than two years in the country of which he wrote—De Tocqueville in his book *Democracy in America*, and De Lolme on the English Constitution. I am going to read you an extract from De Tocqueville, who stands, as I have said, next to Montesquieu, who is the greatest authority that ever lived, upon governmental affairs and policies of government.

I am going to read what he says about great armies in a republic. It is not necessary to read what he says about them elsewhere; but this is necessary, I think, if the Senate will pardon me, because the question is here whether we are to have a great army, whether that great army is to be permanent, and, if so, then what is the necessity for it? If the necessity warrants it, will the necessity persist; and, if so, for how long? Then, if it is shown that it will persist for a great length of time, we come to the consideration of whether it is better to discard the policy that will continue it, and continue to demand a large standing army. The very fact that for the first time in our history the House bill does not put in a limit to the term for which the Army is to be raised is an indication that, in their opinion, this exigency or this emergency, instead of being merely an epoch is to become an era; in other words, it is said that the creation of a large standing army is the policy of the majority in both Houses of Congress.

Of course, it has been mentioned more than once in this debate that the people have settled all that at the last election. Well, the people did vote that way at the polls; but is there no such faith in human nature on the other side as to ever believe that the people after a time, after a lucid interval, will come to their senses? Communities go crazy as well as individuals. Holland went crazy about a flower; England went crazy about the South Sea bubble; all France went crazy about John Law—just as crazy as any man who was ever locked up in Bedlam. The trouble was that there were not enough sane men there to lock them up.

Here is what De Tocqueville said about an army in a republic—in a democracy:

The equality of conditions and the manners as well as the institutions resulting from it do not exempt a democratic people from the necessity of standing armies, and their armies always exercise a powerful influence over their fate.

Those are the words of a philosopher, and we know what are the natural propensities of the men of whom armies are composed.

In the next place De Tocqueville goes on to say:

In democratic armies the desire of advancement is almost universal.

He might have said it is quite universal.

It is ardent, tenacious, perpetual; it is strengthened by all other desires, and only extinguished with life itself. But it is easy to see that of all armies in the world those in which advancement must be slowest in time of peace are the armies of democratic countries. As the number of commissions is naturally limited, whilst the number of competitors is almost unlimited, and as the strict law of equality is over all alike, none can make rapid progress—many can make no progress at all.

That is the rule, but there are exceptions to that rule, as, for instance, when a man can be promoted from the position of first lieutenant to that of major, jumping over some hundreds of lieutenants and captains. Of course all rules have their exceptions.

Thus the desire of advancement is greater, and the opportunities of advancement fewer there than elsewhere. All the ambitious spirits of a democratic army are consequently ardently desirous of war, because war makes vacancies, and warrants the violation of that law of seniority which is the sole privilege natural to democracy.

We thus arrive at this singular consequence, that, of all armies, those most ardently desirous of war are democratic armies, and of all nations, the most fond of peace are democratic nations; and what makes these facts still more extraordinary is that these contrary effects are produced at the same time by the principle of equality.

That is true. I do not think a Senator on the other side of the Chamber will dispute that proposition, that abstract principle of philosophical observation, that this democratic army is all the time clamoring for war, because war means promotion. Every additional regiment created puts somebody up a little bit higher, and for that reason it would exercise a tremendous influence upon the army of a democratic nation which has brought it into existence.

I want to quote a little further from this philosopher. He says:

No protracted war can fail to endanger the freedom of a democratic country.

I hold with De Tocqueville that this is absolutely indisputable. If it is not true, then all history lies.

No protracted war can fail to endanger the freedom of a democratic country. Not indeed that, after every victory, it is to be apprehended that the victorious generals will possess themselves by force of the supreme power, after the manner of Sylla and Caesar; the danger is of another kind. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government.

That is the danger, Senators, that a protracted war immeasurably increases the power of the Executive, who, instead of being, as was intended by the framework of our laws, the mere hand to execute the bidding of Congress, which is the brain, begins to think for himself; and this Congress has devolved upon the Executive Magistrate of this country the duty of thinking for it in the most serious matter that has ever engaged the attention of our people since the civil war. I will demonstrate that as I go along.

If it lead not to despotism by sudden violence, it prepares men for it more gently by their habits. All those who seek to destroy the liberties of a democratic nation ought to know that war is the surest and the shortest means to accomplish it. This the first axiom of the science.

And it is axiomatic; there is no argument about it. Here we have a proposition to have a large standing army, to be supported by taxation of the people, and the President, the Executive, ought never to be permitted to think at all, or only so much as is necessary to carry out the laws which he is to execute. He is authorized "to maintain"—which is synonymous with "support"—an army to its maximum strength, unless otherwise directed by Congress. In the meanwhile what does Congress do? It abdicates in favor of the Executive. Unfortunately, it is true in this country that the majority are prone to believe that whatever their policy is in the hands of their President it is likely to be all right, and they are all optimistic, as was the Senator from Wisconsin.

There is one more paragraph I wish to read from De Tocqueville, and no more. This is the summing up:

After all, and in spite of all precautions, a large army amidst a democratic people will always be a source of great danger. The most effectual means of diminishing that danger would be to reduce the army; but this is a remedy which all nations are not able to apply.

Mr. President, I said Congress had virtually conferred sovereignty upon the President. Under our system of government sovereignty is in the people; the thinking power and the political power is in Congress; the exposition or interpretation of the law is in the judiciary, and the execution of the law, and nothing more, is in the President. In the matter of negotiating treaties the power of negotiation is left with the President; but no treaty can be made until it shall have been ratified by the Senate, and in the matter of the selection of the men he is authorized by the Constitution to appoint there must be the concurrence of the Senate.

Now, a word as to the conditions in Cuba. There is an argument about extradition which has been going on lately in the Supreme Court, and if the newspapers correctly report it, it was said by one of the officers of the Department of Justice that Mr. McKinley is the sovereign of the island of Cuba. I said not long since to the Secretary of War that Mr. McKinley was the sovereign there. What is the fact? The fact is that we are in military occupation of a country in time of peace that does not belong to us. Of course no great body of people should at any time be without a government of some sort. There must be some rescue from anarchy and from chaos. Under the plea of staying there to teach those people how to govern themselves we are keeping an army there now of about 8,000 men; and that is called "a military occupation," and the President, being Commander in Chief, is the sovereign of Cuba. Is he not the sovereign of Cuba?

During the campaign I know that this question of imperialism was scoffed at and jeered at and whistled down the wind by Republican orators. They were all the time trying to divert public attention from that question to the silver question; but now I want to ask them, Who is the sovereign in Cuba?

If there is a sovereign there at all, for there always must be one, it is the United States. We, the United States of America, are de facto the sovereign in Cuba. I will give you an illustration. Are we recognized as such? Every nation in the world that has commerce has a consul in Cuba, not accredited to President McKinley as sovereign, but accredited to the United States, and the exequatur must be given by the State Department, acting under the President for the United States. As what? As the prime minister of a sovereign? No. Not sovereign McKinley, but as the Secretary of State of that confederation of national government which we call the United States of America.

Mr. BACON. An office which practically existed before the office of President was ever created.

Mr. MONEY. Certainly.

Mr. BACON. It existed under the Confederation.

Mr. MONEY. There is one instance. There is no hint from Congress to the President as to what he shall do in Cuba. He has issued his directions, as lord of the whole country, that elections shall be held, and his officers give certain notes of warning, giving notice to hold an election, and that they must do so and so, or if

will not be satisfactory, not to the United States, but to the President of the United States. That is an instance of imperialism, and not only of imperialism, but of an imperialism with powers greater than those enjoyed to-day by any crowned head of Europe, not even excepting the Czar of all the Russias.

How with the Philippines? We have there a great archipelago with about eight or ten million people—nobody knows how many. Is the President supreme there, or is the United States of America supreme there? The best lawyers on the other side of the Senate, and some of the ablest lawyers in the country, have declared over and over again, and it was repeated on the stump all over the country, that there is not any constitution there at all. If there is no constitution there the President has no power there, because he is the creature of the Constitution. He takes an oath to perform the functions of his office and to protect and preserve the Constitution of the United States. There is not a soldier, there is not a general, there is not an officer of any sort there who is not a freebooter and a buccaneer if he is not there with the Constitution of the United States. Each one of them swears allegiance to the Constitution of the United States; not to the United States, not to the Government of the United States, not to the President, but to the Constitution. If there is no Constitution there, there is no allegiance there. We have an army of 71,000 men there, then, without any allegiance to anybody except the commander in chief. Is not that imperialism in about its worst possible form? Nobody can dispute that proposition, I think.

Have we made any attempt to correct it? We had introduced here, by the Senator from Wisconsin [Mr. SPOONER], whom I am sorry to see has found it convenient to leave just at this moment, a resolution about as long as my finger, for the government of the Filipinos. What does it do? Does it lay down a system of laws as thick as the book which we passed for Alaska—with a few frozen mountains and a few gold mines, the Chilkat, and the Esquimaux? No; it says the President shall go on doing what he is doing now; he shall do what he pleases, without any constitutional restraint whatever; that he shall appoint so many people to govern the islands. There is no limit to the term of service. There is no limit to the number of persons. There is no limit to the pay. He can appoint a hundred thousand people in one day, if he wants to, and pay them a thousand dollars a day each, and appoint them for life. In other words, it is simply to indorse afterwards what the President is already doing—governing the islands with a free hand. We are accessories after the fact, if we pass that sort of a bill here.

Are we not abdicating in favor of the Executive? I said a while ago that the necessity for this standing Army should be shown, and then the cause of the necessity, and then the probable persistence of the necessity and the policy which made it so. When we make this Army permanent, it is an acknowledgment that the war is to continue indefinitely. There is no end to it. I never expect myself to live to see the end of that war. I recollect very well the discussion here—I do not know whether or not the bar of secrecy has been removed—that one distinguished gentleman said "it will not take five regiments of soldiers to hold the whole islands." Yet we are holding them to-day with 70,000 troops, under the guise that we want to teach them better government. How are we going to do it? Are we to teach them to frame a government like ours? They will never have any use for it. You might just as well send a suit of our clothes or take off our skins and expect them to fit one of the Malays.

Now, we come to the policy. It is the policy of the Government—that is, the majority of the Government which now controls it—to preserve the Philippines as—what? As a part of the United States? Not at all. The first thing they did after they ratified the treaty of peace was to pass a resolution, offered by the distinguished Senator from Louisiana [Mr. McENERY], that those islands should never be considered at any time a part of the territory of the United States, and that their inhabitants should never become citizens of the United States. In other words, they are to be a people without a government, except a government of the imperial sort we see in operation now. In other words, under the declared policy of the Republican party, we are to continue imperialism in the Philippines indefinitely, just as it has begun, and the Republican party has pledged itself to the country, by the McENERY resolution, that that state of things shall continue—that is, that that country shall never become a part of our territory. Therefore, according to their contention, it will never come under theegis of the Constitution. Those people will never become citizens, and therefore they can never come under the protection of the bill of rights embodied in the Constitution, and they are to be ruled simply by the military hand. That is the result.

I wish to say to my Republican friends that they have not enough men provided for in this bill. General Lawton, before his death, said it would take a hundred thousand men to keep the Filipinos down. General MacArthur, in a letter which was read by my distinguished friend the Senator from Tennessee [Mr. BATE] the other day, said it would take a hundred and fifty thousand men,

without the Signal Corps, and sixty thousand with it, in order to keep down the Filipinos. That looks like a protracted struggle, so long as the imperial policy—there is no better word to describe it, and I use it simply as descriptive, not by any means throwing any opprobrium upon the policy, but as descriptive purely—of governing countries without considering their inhabitants citizens of this country, without considering their lands a part of the territory of the United States, and without considering them within the United States, continues. That is imperial government, and there can be no other definition to it.

We have an apparatus here, a machinery of government—the Army—which is to continue and which contemplates the continuance of this policy. The question at the next election before the people will be whether that policy is to continue or not. It was said on all sides that the only thing that kept the Filipinos from laying down their arms was the fact that we were about to have an election here and that probably the Democrats would win; and we were upbraided, and taunted, and reproached in this Chamber, and on the stump all over the country for persisting in what we considered the line of duty here, for fear the Filipinos would continue the war. Never was a poorer argument addressed to a conscientious man than to say to him "Because you do not indorse this outrage upon the Constitution, because you do not indorse an outrage upon the abstract principle of liberty, because you do not want to subjugate a people who are not friendly to your subjugation, you are maintaining a war against the power of the United States."

But the election is over and the present party was continued in power; and what then? The war went on with renewed vigor. It simply added desperation to the insurrectionists, as they are called, the insurgents. They then began with renewed activity everywhere, until to-day, if I am correctly informed, a man can not go two miles from any garrison, from the four hundred and twenty-odd in the Philippine Islands, without danger of being killed, unless he has a strong escort. There is no safety anywhere.

Yet some gentlemen pretend that they want to keep up this thing for the conversion of the people there. They are Christians. The people we are fighting profess Christianity. Our allies are Mohammedans, polygamists, slave owners, and heathens. Here is a Christian nation fighting to elevate to Christianity a people who are just as good Christians as we are, and the allies in the work are Mohammedans and heathens.

It is said the Filipinos are incapable of self-government. There is not a country in the world incapable of independent self-government, and there never was, and there never will be. But it is not necessary that they should have our form of government. I admit that the Filipinos can not maintain a government like this. What a dismal failure has been made from the Rio Grande to Patagonia in endeavoring to imitate this Government? We all know how it is. It is not in the blood, and there is a good deal in that—more than in education. As far as education goes, I say that the Tagalogs, whom we are fighting, are as well educated as we are. I wish to state a fact that will probably astonish some of the learned men of the Senate.

In November, 1898, when the congress of Aguinaldo was assembled at Malolos, there were 80 members of the congress present, and out of that number 43 were graduates of the finest universities in Europe. There are not of the 87 Senators present 43 university graduates, and there never have been in the Senate of the United States, the most august legislative assembly in the world. Yet in this little congress of 80 there were 43 graduates, not of the colleges or universities of the Philippines, but of Europe; and Paterno, who was the president of the congress, was the man of honor of two of the most ancient universities and seats of learning in the peninsula of Spain. Not only that, but he has written most valuable books, so valuable indeed that they have been translated into the tongues of Europe; and I do not believe we have ever had a President of the Senate who has done that, either before or after he was 42 years of age.

So we are not treating with enemies, as you call them, who are an illiterate, uncultivated, or an unchristian people. I do not believe when Jesus Christ said to His disciples "Go ye into all the world and preach the gospel to every creature" that He meant to say, "Go ye into all the world and shoot the gospel into every creature." He was the Prince of Peace; and yet we had the spectacle somewhere in Ohio of a reverend bishop saying, Thank God, not that we have been preserved from sickness, battle, and sudden death, but thank God that his church had been instrumental in producing the difficulty in China and the slaughter of people there, because it had resulted in opening up the whole country to missionary efforts. I think about every nation has a religion that suits it, as well as a government, although I should be glad to see them all advance, as they will in time.

I am going to read a little about colonization. We have heard a good deal about the advantage of the Philippines; yet no man has ever presented here or anywhere else a single argument in favor of holding the Philippines except as a matter of national pride—

that it would not do to go back when you have taken a stand. I say that when a man or a nation discovers he or it is wrong, the time to do right is now and here, not to wait until you get a little further, not to fix a future day for the consideration of the question whether or not you are going to quit doing wrong, but to quit instantly. We are certainly at liberty to do that, and without any fear of loss of prestige, because what we have lost has been in reversing the glorious record of a hundred and twenty-five years of national liberty and of national sympathy for every people all over the world who are struggling for national independence.

They are not colonists, to begin with, at all. A colony is a sufficient number of people who go from one country to another, and in certain numbers occupy a space of country where they are able to impose their laws, their customs, their religion, and their tongue upon the natives. We can not do that at all there. It is a military establishment. It is an outpost. It is something to promote trade. But it is not a colony. The word "colony" rather meant people to cultivate the land. The first instance of a colony was an agricultural colony, except with the Phœnicians, who knew nothing about agriculture and were purely a commercial people. So with the Greeks. I want to mention those two. Neither one ever pretended to exercise the least authority as a mother country over any of their colonies or possessions anywhere.

The Greeks swarmed from an overcrowded country, like bees in a hive, over Tyre and Sidon. They settled along the Mediterranean and came to the Pillars of Hercules. Marseilles was a Phœnician colony and once a Greek colony. Every time when a colony got able to take care of itself immediately its independence was acknowledged, and there was never any controversy about it anywhere. Here we are trying to bring people under us who are not only remote from us, but not affiliated with us in any way whatever; not in language, not in customs, not in laws, but, worst of all, not in blood, not in race, for they do not belong to the Aryan race. They belong to the Turanian branch of the human family. They are not a colony, but merely a possession or a dependency or whatever you choose to call them.

I want to say, too, that the mere going of a people from one country to another does not constitute colonization. The immigration to the United States from the different countries of the world which passes unnoticed is greater than all those tremendous migrations of tribes and nations that were the wonder of ancient times, where one people, pressed by those who were crowded for room, were forced out of their habitat, and they pressed another, and so it went on and on, like billows following each other upon the bosom of the sea, each in swift succession occupying the place the other had deserted. Yet all those vast migrations do not equal the annual immigration to the United States of America.

The people among whom a colony is located must be inferior to the people who colonize. Not only that, but there must be more territory in the colony than in the place whence the people went where they were crowded out. That is the original idea and the original motive for colonization.

Now, we have in this country about 22 inhabitants to the square mile. The United States has rounded itself out continentally, and we are now to grow inside. We were growing on the outside, but the case is now different. We should, botanically speaking, cease to be an exogen and become an endogen. We have touched both oceans, the lakes, and the Gulf. There is no further spreading; consequently we begin to grow up in the interior, and all the waste places will be filled. I live in a State of fertile lands and magnificent woods, and there is not one acre in twelve cultivated? So all over this country. We are to grow up strong at home. There is no lack of farms anywhere, or of living anywhere. Above all, if we wanted to migrate for the purpose of colonizing and finding homes, there is not a spot in the whole Philippine Archipelago upon which a white man can find a home to last one generation. Not only that, but the universal testimony of ethnologists is that any European or any people from the temperate clime will become degenerate in three generations of living in a tropical country.

Here we have in the Philippines a population of over 70 to the square mile. Then how can we, from the less sparsely populated country, crowd out those of the more densely populated country? There is no plea or excuse on the ground of colonization, for nobody expects any considerable number of people to go to the Philippines. The white race has been gradually abandoning the Tropics all the time. There are only 14,000 white people in Jamaica, with 600,000 negroes. The same is true of the Barbadoes, of Grenada, of the whole Windward and Leeward group. That can be said of all of them. Take every one of the tropical countries, from the lower border of Mexico down to Patagonia, and there is not one white person to every twenty of the inhabitants. The white man does not thrive in a tropical country. It is impossible for him to do it. God has not fitted him for it. He has said, "So far shall you go, and no farther."

We have a military occupation; and yet, in the very prime of Spanish power in America, when they had a viceroy in Mexico and another in Peru to govern the vast possessions of Spain, the

Philippines were one of the accessories of the viceroy of Mexico, and all communications and all trade went to Mexico before they went to Spain. Yet notwithstanding all that, there never were at that time over sixteen or seventeen thousand Spaniards in the country. They were Mexicans and Indians, with now and then the mixed blood of the white invader. But the people of Spain never went there in any considerable numbers. Adventurers did. Families did not move. There was no such thing as the great German tribe that went from one place to another until they found the soil and the climate and the surroundings that suited them, and took possession.

There has been no colonization of the Tropics at all. The Dutch have buried 200,000 soldiers in Sumatra in the last hundred and sixty years, and now have only partial possession of the island. Their rule is vigorously disputed in the interior. They have only 6,000 men in the whole island. So in Java, where under their rule the population has decreased to about 30,000,000 people, they have only ten or twelve thousand white people. There is no home for white people in the Tropics.

But now, leaving that idea for a moment, I wish to read from a book I have at hand. The author is Henry C. Morris, and the book is entitled *The History of Colonization, in all Ages and by all Nations*. It is a book just out. I think he is the author of a work on the Aryan race, which I have at home. He is a profound thinker. He deals opportunely with this great question and he writes with no political bias whatever. It is the work of a calm philosopher, dispassionately discussing a great question. He quotes here from Ireland. He says:

It is much easier to impress a new nationality on natives who have never learned to adopt any Western civilization than to erect a new standard of existence among a people who have been absorbing an European nationality for centuries.

That is exactly what has happened in the Philippines ever since 1565. They have been absorbing the civilization, language, customs, and religion of Spain. They have their standards already set up, and here we want to impose new ones upon them. There was no difficulty with the Spaniards, because they had a mind absolutely untutored—the savage mind. But the impression has been indelible, as it has been everywhere. The Anglo-Saxon, the Englishman and ourselves, have never been able to impress ours at all. We can only exterminate. That has been our policy all the time. The Indian disappears before the Anglo-Saxon. He is killed when he interferes with the ambition of the Anglo-Saxon. When he resists oppression he is slaughtered—wiped off the face of the earth. But the Spanish blood readily intermingles with that of the inhabitants. They do not mind intermarriages with the natives. They affiliate with them fully, socially and in every other way, and consequently they have had a hold upon those people that we can never acquire. There is not in the United States an Indian friendly at heart to the Government of the United States, and he has no right to be such. I would not be if I were an Indian. I never would have any respect for the United States.

But the Spaniards got hold of the Indian. He intermarried with him. He gave him his language, his religion. It is a singular thing that all over this continent, with a mere handful of Spaniards, the Indians spoke Spanish. They do not mind intermingling. Somehow or other there is something in the Anglo-Saxon that resents any lower current in the blood of his descendants than that in his own, and he will not tolerate it.

Now, in another place this author says:

The essential of power on the part of the mother country likewise implies the element of wealth. That a poor nation can not afford the luxury of colonies is almost an economic maxim.

In other words, colonies are certainly a luxury and not a profit—not a benefit, but a luxury—and they can only be enjoyed by rich nations.

Vast expense is requisite for the maintenance of an army and navy, and without adequate military and sea forces any possessions would be of brief duration.

There is the secret of this Army bill. There is the secret of the enormous preparation of a great navy. A gentleman said here the other day he wanted to see it equal to the navy of Great Britain, in order that we might defend ourselves somewhere—as though what we had to provide against was the whole of the British navy, instead of the part of it which could be sent here. Heretofore we were invulnerable. Our compact continental possessions made us so. Now we are inviting attack, and far from home, where we are weakest, and I say the time is coming very speedily when we will receive the shock. It is said here:

"No colonists believe that England will go to war on a purely colonial question." (Britain and her Colonies, pp. 58, 59.) They must rely on their own militia and volunteers for defense.

Can we call upon the volunteers and militia of Manila for defense if we are attacked there? Will not the power of the Government extend across the Pacific to protect our possessions, our forts, and our property? Would we dare to enlist an army of Filipinos to take care of our power and our possessions and our authority? Not so. Yet that is what Great Britain can do and

what she has done, and she has done it successfully. Now, the philosopher says:

A colony is, as some one has truly said, a tinder box, which only requires a stray spark to ignite the conflagration of war.

That is true. Only a stray spark in the Philippines and there will be a conflagration of war on account of any ship there, belonging to any nation in the world. It will provoke a war of which we may not see the end; and we are not likely to see the end of this war.

Authorities agree that in colonial affairs the maxim "All men are created equal" does not hold true. Peaceably to tolerate the foreign rule exercised over them, the natives of the land to be colonized must be inferior in capacity.

That is true. We have dismissed the doctrine of equality from our Government. Gladstone said the great difference between the American and the British constitutions was that one was founded on the equality of all men before the law and the other was founded upon inequality. We have now changed the character of our Constitution, if we assume the possession of these islands, by declaring the inequality of all men, as this writer says here; and we heard that declared in this Chamber, when we were told that government was by the consent of the governed, but not by the consent of all the governed, but only by a part of the governed. So the writer is fortified by declarations made by the ablest lawyers on the Republican side of the Senate.

Now, the writer says:

To yield to the parent state the rightly expected profits and to reap from it full reciprocal advantages, not only the aborigines, but even the colonists themselves, must be willing to bear many burdens. Above all, the former should be amenable to discipline, to regular forms of government, to reformed methods of life, and to reasonable primary instruction in the ordinary rural occupations and trades. If these conditions do not exist, a long period of turbulence is unavoidable. The natives must then be exterminated or reduced to such numbers as to be readily controlled, and in this process, so contrary to civilization, but for its sake, the mother country must inevitably expend much treasure and blood.

That is exactly what the Spaniards were attempting to do in the island of Cuba—to exterminate the people they could not conquer. That seems to be the rule of war, contrary to the rules of civilized nations, in South Africa, where Lord Kitchener is destroying by flames the villages and homesteads of the farmers of South Africa in order to prevent the supply to the Boers in the field of anything necessary for their subsistence; and I suppose we will also call for the extermination of the Filipinos. And for what compensation? The writer says, further:

Climate also is a great consideration; salubrious latitudes, free from fever and pestilence, are the most easily colonized.

We have not selected it there. We have selected a climate which, according to all writers, is about the worst in the world. There is certainly nothing we have heard of which enables us to judge that the American soldier can live there at all. In fact, probably the strongest man before the Peace Commission at Paris, who was the Belgian consul at Manila, if I recollect aright, declared that it was impossible for an American or European army to remain there, and that we would have to employ the natives more or less. We all know how troops are shifted from the mother country in the tropical regions that belong to Great Britain or any other power in Europe. They must be sent home occasionally that they may live, and we are continually sending to the mill there grist from the homes and farms and firesides, that their bones may be ground to dust in Luzon and in the other islands of the Philippines. That observation was true.

Laws are made for the day without regard to the future. Colonial wealth is ruthlessly extracted, stolen, and wasted; the natives are exterminated, the rights of the colonists themselves are violated. Governors and subordinates are selected, judged by their fitness speedily to fill the coffers of the nation; but it is forgotten or overlooked that, while collecting the taxes so hated by the colonists, they are for themselves amassing private riches, until it becomes a common byword that justice is not to be found in their provinces.

Now, my optimistic friend, who deserted me early in the action, would have said probably that we are not going to have any dishonest men there, and yet we sent to Cuba three men, one, the principal man, to direct the civil administration as regards the posts. He refused to submit himself to military authority. He would not recognize General Wood. General Wood asserted his right as commander in chief, governor-general, I believe, is now the term, of the island, but they would not submit. Yet the plan of theft seems to have been matured in America before they arrived in Cuba. Were they fit men? They were selected by the ablest Senators on the Republican side of the Chamber and were recommended to the President as the very men necessary, one of them having been Fourth Assistant Postmaster-General. When they got down there they began to teach the Cubans how to govern themselves, and the first idea was to begin to steal from the office before they were installed in it; and they have been stealing ever since. Now, a great question rises here about the extradition of those people. Everything is done to protract the delay and probably to defeat justice ultimately.

Unfortunately, but too truly, throughout history the record of colonization has been often marred not less by the oppression of the weak than by the profligacy of the powerful. Only such nations, indeed, as have reason-

ably well controlled the action and conduct of their officials have had successful careers in their enterprises.

How successfully have we controlled the action of our instruments? We had the spectacle here of a distinguished major-general of the Army, coming from supreme command in the Philippines. He was given a banquet in New York, and if the papers reported him correctly he said we had outlived the Constitution entirely and we had no use for it, and we must go on in the Philippines with a free hand. That man ought to have been dishonorably cashiered just as soon as a court-martial could have been organized, because it was that instrument which he so contemptuously alluded to that he had taken an oath of allegiance to. We had an instance of somebody else, of some gentleman in the Army, wanting to make the officers hereditary in the Army; and they also had bills introduced here to use ornamental titles at the courts in Europe as our ambassadors, without pay, in order that the sons of the rich might enjoy the social delights of the capitals of Europe—legislating always for class.

Now, Leroy Beaulieu, who was one of the greatest French writers on this subject, says:

It must never be forgotten "it is exceedingly rare that a colony furnishes a net profit to the mother country. In infancy it can not; in maturity it will not."

There has been no such colonizer as Great Britain, and yet, if you will turn to the Statesman's Annual of last year, or of any year, or to any authentic source of information, you will find that the expenditures of the several colonies and dependencies of Great Britain exceeded their net income every year by some \$370,000,000. You will find that their debts sum up nearly three and one-half billion dollars, and that their exports from other countries are much greater than the exports from what is called the mother country.

There is nothing at all in this talk about the benefits of trade with Manila. We have had the open door all the time. I will ask any gentleman on the other side of the Chamber or on this side to say what door has been opened to us by this war. What door was opened to us that was shut to anyone else before that time? What increase has there been of trade? The trade in beer and whisky and in the supplies of the American Army has increased because there has been a shutting off of the people of the islands; they are in a state of insurrection, of hostility, and the custom-houses do not entertain their wants or wishes at all.

What is the capacity of the island? It will produce cotton, which we make down South, and raise up a competitor to us in that particular. It will produce tobacco, hemp, and sugar. These are the things it raises. If they buy from us, they must raise more of those things, because they now bring in as much as they send out, their export and their import about balancing. See how different. If they are capable of buying from our manufacturers, they must themselves raise enough of those things to bring them into competition with the farmers of the United States to enable them to take our manufactures and our general commerce.

The American people must recollect the fact, also, that those people are very highly imitative; that they are adepts in the use of fingers and hands, and you can get them for 20 cents a day. You may find that the factory at Manila may be selling goods to Boston, or Lowell, or some other place in New England. That is quite likely to happen, just as the provinces were beginning to sell to the Old World when Great Britain said we should stop making things of iron and steel and exporting them.

Mr. President, the question for us to decide is whether we are going to have a great army for a great purpose. Is that purpose to continue and is the policy upon which the purpose is founded to be continued? Are we going to continue to expand the possessions of the United States, for we are forbidden to call it territory? It has been solemnly declared by the McEnery resolution that it should never be territory of the United States. If we are to acquire new subjects, because the same resolution is put in here by the majority of the Senate declaring that they shall never be citizens, if we are to have great possessions under the American flag without the American Constitution, then we must have a great army, and this bill is not half enough, as they will find. When the outbreak is put down in one place it begins in another, so that we are holding no more to-day than when the Spaniards under the treaty evacuated Manila.

Have we got any more territory to-day outside of the shots of the garrisoned towns than we had before? I am informed that in the interior the government is to-day being administered, taxes collected, judicial process running freely, and that all the forms of government and its affairs are being experienced there by those people whom we call savages.

I am not particularly concerned, I wish to say, about the Filipinos. I wish they had the liberty we have. I can not in my heart believe that the man who would deprive one nation of its national rights and liberties cares anything for his own. If he does, he cares for it simply as a matter of personal convenience

and not as a matter of principle. The two are incompatible in the same breast. The man who violates the rights of another man cares nothing for his own, except as far as his personal convenience goes.

I would let the Filipinos go. My friend the Senator from Colorado [Mr. TELLER] thinks we ought never to give them up, and so on, until they yield. There have been few instances in which peace has been declared until one of the parties was exterminated or actually subdued. There is always a time, however, in hostilities when offers of peace can be made and entertained, and there has not been one single day since the President, without the authority of Congress, declared war in the Philippines, October 28, 1898, to this moment when the slightest hint to the Filipinos that the American commission there, or the American commander in chief there, was willing to treat with them about the possession of their own country and the restoration of their liberties that they would not have been glad to have met these commissioners and that general and to have treated with them.

I do not suppose the Filipinos will make a great success in a republic. I do not know that they are fit for it at all. But Daniel Webster took occasion to say once in a correspondence that there never was a people of sufficient numbers and covering a respectable territory possessing the same language who were not entitled to separate national existence whenever they demanded it. I say that is good doctrine, and that there is not a man who loves liberty for itself who will not subscribe to that great doctrine.

Now, here are people divided among themselves, it is true, into different nationalities, or rather into different branches of the same race. There are half savages that nobody here thinks of, who never have heard of Spain or the United States, and probably never will; but there are cultivated people and civilized people, like the Viscayas and Tagalos, amounting to several million people, who have a literature, who have education, who have the refinements of life, and who have produced men who have challenged the admiration of the world.

Aguinaldo has been decried over and over again for one thing and another; a blackguard some one called him; yet that man must have something great in him when at the age of 24 he was selected by his people, a poor youth teaching school for a livelihood, to lead a great revolt against such a power as Spain and to absolutely command their respect and their confidence both in character and ability to such an extent that when called from exile by Admiral Dewey, in six days he had consolidated all the dispersed bands of rebel chiefs into one solid army and then established a provisional government. There must be something in that sort of a man.

Mr. TELLER. I should like to ask the Senator a question.

Mr. MONEY. Certainly.

Mr. TELLER. He says he does not expect much of the Filipinos. I want to know if he does not think they maintained about as good a government as we have maintained over there for the last two years?

Mr. MONEY. I do not think it would be any worse.

Mr. TELLER. That is what I think.

Mr. MONEY. I think, in other words, they will have the government that suits them. If people are let alone, they will have exactly that government which suits them. In other words, government, like literature, like philosophy, like religion, is a development. It is an outgrowth of the spiritual and mental and moral necessities of men; and a nation can have no other than that which suits it, or else they would have something else. If that government was not suitable, they would not have it, if they were not interfered with, and there is no use to attempt to force the people to take our view of things.

What I meant to say was that we have no hope of the Filipinos exercising the function of a self-governing republic like this, and there is not an example to-day on this continent, except ours, of a success of that sort. Our Constitution and form of government has been servilely copied by the Spanish-American colonies; yet, how many of them are anything but despotisms, as somebody said, "despotism tempered by assassination?" They do not know what a free country is. The laws read splendidly, but are they enforced? Never. There is no such thing as government in some of them. It is true there are not enough white men there to see that there is a government, and the others are incapable of having that sort of a government.

But the Filipinos, with their education, with their civilization, with their Christian religion, are capable of organizing government sufficient for their wants, and they only need to be let alone and they will put one in operation which will be quite sufficient, and they can establish themselves among the family of nations and perform all the functions which one government owes to another in that family of nations, as well as the functions that are necessary for the preservation of life, property, and liberty, and the pursuit of happiness to their own citizens.

Mr. TELLER. They have that now if we let them alone.

Mr. MONEY. Let them alone and they have it now. I am not afraid of anybody else interfering. I would want to see the establishment absolutely withdrawn from the Philippines if I had my way. I would not insist on a standing army for an indefinite period of time of 100,000 men for the sole purpose of keeping a lot of Filipinos in subjugation. That is the sole object of this proposed law. It has no other purpose. It comes from the policy of expansion, a policy which in its inception had nothing of philosophy, which had nothing even of statesmanship. It was a wild fury of a great, rich, populous nation drunken with its success to extend its domination over somebody else, and I hope the nation will have a lucid interval pretty soon and see that that policy does not continue.

I have not as much confidence in human nature, though, as those gentlemen of the majority who are perfectly willing to trust immeasurable power to the Executive and to themselves. There has been a good deal said, especially by the Senator from Wisconsin [Mr. SPOONER], about distrusting the Congress of the United States. He thinks it is a great derogation from the character of future Congresses that we can not trust them to do this and that. Now, who get in here and how do they get here? That is plain enough. Am I willing to trust this Congress? No; I would not trust this Congress in some matters. I will trust it in a great many things; I believe that a public sentiment will keep them pretty well in line; but in some great matters I would not trust this Congress at all.

Would you trust the Supreme Bench? Well, to some extent. The idea that anybody who is human is above criticism is ridiculous. The king can do no wrong, but we have no kings here. We know that the President and these judges and these Senators and these Representatives are mere human beings, touched with all the infirmities of humanity, and the Congress may or they may not vote as they see the light. They may or they may not vote as their consciences dictate. We have had so many instances of that sort that it is not necessary for me to say that we can not in these things implicitly trust to a future Congress, but the way to do is "fast bind and fast find."

Admitting the necessity for the soldiers, for we have a necessity for a great many more, I think, and there will be a necessity for hundreds of thousands yet to come, why not limit this power to maintain the Army to the term of two years, as has been previously done in such cases? Great Britain is an Empire, in every respect the greatest Empire in the world, and yet that Empire, not a self-governing democracy like ours, provides that the army shall exist but one year, not two. Every year the military establishment must be renewed by the Government enacting the mutiny act for the government of the army. The army would be dissolved but for that act repeated year after year, for there would be no law to maintain it. The English have never yet consented that the Queen shall maintain an army nor support an army nor maintain it at its maximum strength or any other strength, and they never will. Oh, it comes to democratic and republican America to have such great faith in the Executive that he can have the powers delegated to him that were delegated to us to support and maintain armies, for to support and maintain are exactly the same thing in their meaning.

I recollect, and you all will, that when old glorious John Hampden, the advocate, the champion, and the martyr of civil liberty in England, long the directing spirit in the Parliament that opposed the pretensions of Charles, was asked for a regular army he never would consent to give it, and never did. Almost in all the ages regular armies have been the instruments of tyranny, and they are a constant menace to the country that has them. We were rather forbidden the other day in an impatient way to consider the old thrashed-out theories about the army being dangerous, and to quote George Washington and Thomas Jefferson and Madison and the men of that day, who said that a standing army was a menace to any people, and that the only security of this country was in a well-trained militia—I believe that is the language; it is something like that—not in a standing army.

They did not say a well-trained standing army or a large standing army was the security of this Republic, but that a well-trained militia, a soldiery fresh from the people, controlled by local governors, to be called out for a short time and for specially designated objects, to repel invasion, to put down insurrection, and to see that the power of the United States was carried out wherever it was resisted. It was limited to that. The language of the Constitution is:

A well-regulated militia, being necessary to the security of a free State the right of the people to keep and bear arms shall not be infringed.

There is nothing about a standing army, but there is constantly a warning against great military establishments.

Now, I want to ask you if there is any use of having this army over 28,000 or 30,000 men? If you will eliminate your policy of so-called colonizing, I will say of subjugation and conquest, in every part of the world, you will have no use for this army. The

Indians have melted away beneath our "benevolent assimilation," and those of them that are here are hemmed around about in their reservations. So there is no longer any fear of an Indian outbreak, and if there should be one there are railroads that penetrate every part of what was once the wilderness, and troops can be projected there almost before the alarm goes along the ranks of the tribe. There is no danger of that.

We were told yesterday that we were to have soldiers to fill up certain posts, of which there are a great number in the United States. If we have to keep soldiers in order to keep post habitats, it would be better to burn down the posts. That would be economy, and there would be no danger to anybody or thing in the world. So, I say, let us go around with a torch and burn up these military posts, if the only purpose of their existence is to call out another supply of troops.

We are told that we want a great number along the seaboard for the fortifications that cost \$126,000,000. That is not necessary. They can have the skeletons of regiments along there. A few men can take care of a fort and all its guns.

There is no danger of insurrection in the United States, I reckon, unless it is an insurrection of the workmen against corporate power and exactions and oppressions. Do they want it for that? We know that the wealth is aggregating day after day in the hands of very few people. Only yesterday a very distinguished and wealthy banker bought out the Carnegie works, another tremendous consolidation of power, for wealth is power, and it is power of a sort that is most felt in this country.

Then, Mr. President, about Cuba. It is our business to leave Cuba to herself. They are an educated people—the better class. They are uneducated in the lower class, just as they are here. Altogether they are better educated than the better class is here. You rarely find a Cuban gentleman who can not speak at least two or three languages, and there are few Senators in this Chamber who can speak any except his own, and some can not speak that very well, I being one of them. Now, there is a people who are of the white blood, the Latin blood, it is true. Can they maintain themselves in an orderly government? Well, they can maintain themselves in some kind of a government, and it is not necessary to keep 8,000 American troops down there at the expense of anybody, themselves or us, in order to see that they do not commit some excesses against themselves, for if we get away from them they can not hurt us.

The truth of the business is it seems very much like we have been playing a game with the Cubans, a confidence game, a regular bunco game. It is time we were getting every solitary man out of Cuba before we become as much hated as was the Spaniard when we went there. The true policy would have been within at least three months to have withdrawn every American soldier from Cuba and turned them over to their own devices. Let them organize a government. If it is a good one, all right; if it is a bad one, all right. Whence arises this concern that somebody else we never heard of before nor cared anything about should all at once enjoy the benefits of such a refinement of government as that which is exercised upon themselves by the people of the United States? Is it an honest feeling or not? Is it simply a pretext of a reason? It is a pretext for something else.

Then, there is no proof that we need a larger army than we had three years ago. These possessions passing away from us peacefully into the hands of their rightful owners, the natives of the soil, the owners of the soil, the authority with the Cubans, when we are relieved of all the cares and expenses which belong to that sort of colonization scheme which we have now, as the fruit of Republican policy, where is the demand for this great army?

I insist, Mr. President, let the Army be what it will, that we shall put in there a limitation of its term. If you do not do it, I care not how much you withdraw the great periphery of our Army posts, you will find within it at last the same number of soldiers and officers that you have to-day without some express limitation as to time. It is well enough for us to take up this question every time de novo and say whether there is to-day an exigency that will demand an increase of the Army, not to make it permanent, not to fix it upon us, because all this stuff about "until Congress shall otherwise direct" does not amount to a hill of beans. Congress can direct otherwise without any such language; but it puts it in a condition where it is fortified and buttressed and supported by so many influences, political and social and otherwise, that the difficulty of reducing it is ten times as great as the difficulty of increasing it.

Now, this is a civil government. It is a government of civil affairs. The Army is the incident. It is really like the posse comitatus, and it ought not to be anything more than a backing for that. It ought to be a skeleton and nucleus for times of war.

Why, has not the volunteer done his duty? Has he not performed everything that was expected of the soldier? All the wars of this country have been fought by volunteers. They behaved badly at Washington and ran away and let the British burn it up;

but they were not volunteers, but untrained militia, and they had the misfortune to have a commander in chief who had the start and showed them the best road to get away, and of course they were not going to fight after that. But it was at the Southern end of this country, where a hero was in command, "Old Hickory," that the raw levies of Tennessee and Alabama and Mississippi and Kentucky, who never had had a squad drill in their lives, with their hunting rifles beat the proudest force that England ever sent to America, and beat them almost without a loss to our troops. There was grit, there was generalship, and that is all they have ever needed. I was a soldier for four years as a volunteer in an humble way. Did we not fight well? Did not the soldiers on the other side fight well? Indeed it would be to disparage the valor of either to say that both did not fight well.

I do not believe there is in the records of human history a better soldier than the Confederate soldier, except perhaps the Boer. I believe the Boers are as good as anybody; but at any rate the Confederate soldier did all that was expected of him, and the Federal soldier did all that was expected of him, and the Regular Army passed out of sight, vanished from the landscape. I never saw but one Federal regular soldiery, and that was Ricketts's battery, which we pounded to pieces at Manassas. That is all that I ever saw of the Regular Army in that bloody struggle which lasted for four years and drenched the land in fraternal gore.

Has there been any evidence to show why we are not quite capable through our volunteers of doing all that was expected of soldiers? Senator DANIEL had read from that desk the other day a statement showing that in the Philippines the volunteers had fought more battles than the regulars, and had fought a great number of battles with the regulars, and that their work had been quite as effective. There is not a man living who can make me believe that a regular officer from Westpoint is any better than a volunteer officer, nor that a private soldier who leaves his farm or his shop or his mine or anything else to enlist for patriotism or enterprise or adventure or through any other motive is not as good as a regular soldier that goes into the Army for a livelihood.

Take the cadet at Westpoint. Well, he is a young man who has been selected at random, probably at somebody's solicitation, by some Senator here now and by a Representative or by the President. He generally takes the sons, I believe, of the old soldiers, the old generals, and I have no fault to find with that either, because the officers being away in the Army can not be said to have a bona fide residence in a district, and they are entitled to some consideration. One boy goes to Westpoint, another boy goes into a law office or a machine shop or to his plow, and the other has enlisted in the Regular Army for a livelihood. That is what they go there for. The other has gone into something else for a livelihood. A danger arises. The integrity of the territory of the country is threatened; its flag is insulted; its honor, or something of that kind, and there is a call to arms. Now, which one of those two is most likely to do his full duty—the man who has adopted that as a livelihood or the man who has rushed to arms, leaving his business to take care of itself, making a sacrifice of his life or of his business?

Mr. President, I can not believe but that because he responds in a public, patriotic spirit or from a spirit of adventure to the call he is going to make the best officer. I might go on down to the private soldier, as far as that is concerned, and I want to say I do not disparage the regular officers. They are perfect gentlemen, and acquit themselves gallantly everywhere.

But I want to say another thing, taking up the subject which the Senator from Nebraska [Mr. ALLEN] discussed yesterday, and that is, hazing at the Westpoint Military Academy must be stopped, or the institution ought to be stopped, one or the other. Nobody can make me believe that the way to make a fighting man is to put a great big bully on a boy half his size. It does not help the bully to learn to fight, nor the boy who is being bullied, nor does it increase the courage or the fighting capacity of either.

It certainly is not the way to make either of them a gentleman. The one has violated every law of decency and courtesy, and the other has submitted to a personal indignity that has taken away his self-respect. I wish that the young gentlemen who are beneficiaries of the bounty of the Government and who indulge in the detestable practice of hazing—I do not mean horseplay, practical jokes, rough play, or anything of that kind, but this deliberate conspiracy, this mobbing, you may say, of a boy just coming from home, who, with his associates, is greatly abashed in the presence of the gentlemen who are putting on these high and mighty airs. I want notice to be taken of the fact that the first-class men never select their smallest man to go up and fight a six-footer who comes in as a "plebe," as the newcomers are called, but they select their biggest man.

Mr. PROCTOR. I have nothing to say about the Westpoint matter, but the Senator spoke about the volunteers and of their superiority over regular officers. I suppose that the Senator knows that the Committee on Military Affairs in the preparation of this bill had in it a provision, which we have been forced to

surrender by the opposition to the measure, which would have provided for the appointment of 250 volunteer officers. I refer to section 31. That provided for the retirement of officers who had served in three wars—in the civil war, in the Spanish war, and in the Philippine war. There were just 250 of them, some of them very old men, who were hanging on, hoping to get one grade advance before being compelled to retire. That measure was withdrawn because the Senator from Colorado [Mr. TELLER] insisted on attaching a very much larger retirement provision, which had no bearing at all on the question of the reorganization of the Army.

It is a proper reward to officers who had previously been retired, but the committee thought it did not belong on this bill. Our measure was especially aimed at the reorganization of the Army, and these 250 officers would have retired very soon if they could have had this advanced grade. It is precisely the same as the measure for the Navy which was passed a year ago last March.

I do not wish, however, to interject a speech into that of the Senator from Mississippi.

Mr. MONEY. That is all right. I hope the Senator will proceed at his leisure.

Mr. PROCTOR. We thought it an unjust discrimination against the Army that the officers of the Navy should be allowed this retirement privilege, which they have had for nearly two years, when they had from the time of the civil war up to the Philippine war no arduous service to perform, whilst the Army had been engaged in Indian wars and had suffered greatly in battles and in privations, yet they will be denied this privilege, it seems, by that provision being stricken from the bill. The committee were forced to withdraw it to save time and to save the measure which we feared could not otherwise succeed.

I might mention instances. There is the case of Colonel Arnold, of the First Cavalry, who has served for forty-two years; who has performed the hardest kind of service in the civil war, in the Indian wars, in the Spanish war at Santiago, and in the Philippines, and is there now; and yet we have retired two of his classmates, Wheeler and Lee, as brigadier-generals, whilst Arnold will retire in a few days as colonel after all that service.

I wish to call the Senator's attention to the fact that the committee had aimed to favor volunteers, but they were shut out from the measure by the opposition to this bill.

Mr. MONEY. The Senator misapprehended the tenor of my remarks. I had not intended to say anything in regard to that question, but was only considering the necessity for a large standing army of regular troops when the volunteers have always heretofore met the requirements. That was the point to which I was addressing myself.

Mr. FORAKER. Before the Senator from Vermont [Mr. PROCTOR] takes his seat, if he will allow me, I wish to make a remark there.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Mississippi yield?

Mr. MONEY. Certainly.

Mr. FORAKER. I was aware that the amendment of which the Senator from Vermont has been speaking was withdrawn, but my understanding was that it was to be offered again by the committee; that it was only temporarily withdrawn. If no member of the committee offers that amendment, I shall offer it myself, for I think it is eminently just, and I think it would be a great injustice not to give these 250 officers the privilege of retiring in the manner proposed.

Mr. TELLER. I should like to say a word.

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. MONEY. I will yield in a moment. This is an interlude in my speech which has no reference to the question which the Senator has been discussing, but I am perfectly willing that it shall go on.

Mr. PETTIGREW. I rise to a point of order, Mr. President.

The PRESIDING OFFICER. The Senator from South Dakota will state his point of order.

Mr. PETTIGREW. I make the point of order that there is no quorum present, and that the debate has been transferred to a few Senators on the other side of the Chamber out of reach of the audience.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Frye,	Martin,	Rawlins,
Bate,	Gallinger,	Mason,	Scott,
Berry,	Hale,	Money,	Sewell,
Burrows,	Hansbrough,	Morgan,	Shoup,
Caffery,	Hawley,	Nelson,	Stewart,
Chilton,	Heitfeld,	Penrose,	Teller,
Clay,	Jones, Ark.	Perkins,	Thurston,
Cockrell,	Lindsay,	Pettigrew,	Towne,
Culberson,	Lodge,	Pettus,	Turley,
Dillingham,	McComas,	Platt, Conn.	Vest,
Dolliver,	McCumber,	Fritchard,	Warren.
Elkins,	McLaurin,	Proctor,	
Foraker,	McMillan,	Quarles,	
Foster,	Mallory,	Quay,	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present, and the Senator from Mississippi [Mr. MONEY] is entitled to the floor.

Mr. MONEY. The Senator from Colorado [Mr. TELLER] desires to say a few words, and I yield to him.

Mr. TELLER. I only want to say, in response to what the Senator from Vermont [Mr. PROCTOR] has said, that I undertook to make this bill an equitable and just bill, according to my judgment. There are a large number of men who would receive a bounty and an additional grade under this bill who have never smelt powder in any battle anywhere. They may have been in the Philippine war, or they may have been at Tampa, or Chattanooga, or some other place where actual war did not prevail. There are on the list of retired officers a great number of men who served during the entire civil war, who served in the Indian wars on the frontier for twenty-five years after the civil war, and who have been retired, not upon an increased grade, but upon the grade they then held. I think if you pass the law in such a way as the committee propose it would be a great outrage upon those men.

I want it distinctly understood that I did not want to deny to officers now on the active list the advantage of an increased grade when they retire. I was willing that they should have that bounty, but I was anxious that they should not have it when men who have seen infinitely greater service and have greater merit are denied it.

Mr. PROCTOR. Will the Senator from Mississippi allow me? The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Vermont?

Mr. MONEY. Certainly.

Mr. PROCTOR. I entirely agree with the Senator from Colorado [Mr. TELLER] as to the deserving services of the large class of officers he wishes to include, but it was impossible for the committee to prepare a bill which would cover them, and we did not think such a provision properly belonged on a reorganization bill. His proposition was exclusively a retirement measure for the benefit of officers already out of the service. Furthermore, we knew by consultation with members of the Senate that it was impossible to pass such a measure in connection with this bill, and that, if adopted, it would have defeated the whole bill. We therefore thought it best to confine the bill strictly to reorganization, and to open the door for this large number of volunteer officers at the foot of the list.

I merely wanted to call the attention of the Senate to the fact that that was defeated by the opponents of the pending bill.

Mr. MONEY. Mr. President, this discussion has been about a point raised by the Senator from Vermont [Mr. PROCTOR]. I never thought of it at all. The Senator misapprehended my remarks. I made no allusion to that, and had not thought of it one way or the other.

What I was proceeding to say was that the country can just as safely depend now and for the future upon volunteer soldiers and officers as it has done in the past. There have been no more magnificent exhibits of heroism and devotion to duty by any regular army in history than has been exhibited by the Volunteer Army. The soldiers of an army that comes directly from the people to fight the country's battles must necessarily rank above those who enter the Army simply for a livelihood. It can not be otherwise, if I have any knowledge whatever of human nature.

I was proceeding also to say that, if we can not better conditions at the Westpoint Military Academy, that institution had better be abolished. I can not exactly understand the feelings and motives of a lot of young men, all of whom are the recipients of public charity and paid to get a good education, who get together to mob a man for the atrocious crime of reaching Westpoint two or three years later than they themselves did, that being his only offense. I have never yet heard that the first-class men select their smallest man to go down and pummel the newcomer if he happened to be about 175 pounds in weight, but they always select the biggest man they have got, who has had the benefit of four years of gymnasium exercise and boxing, to go down and take the poor little fellow from the country and "do him up," as they say. What a delightful amusement it must be!

I can not understand how they enjoy this exercise. How stripping a boy naked and compelling him to crawl on his hands and knees; to soap the marble floor of a bathroom and compel him to slip up until it seems he might almost drive his spine through his head; to compel him to sit under a table and eat scraps like a dog from their hands; to degrade him in his own esteem until he loses all his self-respect and sense of personal dignity—how they are going to make an officer and a gentleman out of that boy by such a course as that, and how they are going to help their standing as officers and gentlemen by witnessing such proceedings as those, as well as taking part in them, is more than I can understand. How intensely amusing it must have been to these ruffians when young Breth was brought in, thrown upon the ground, with his arms and legs trembling and quivering so that they had to be held, he moaning piteously all the time, until he almost died!

With what exquisite pleasure, with what bursts of laughter must they have seen a boy's jaw broken by one of those bullies! What amusement is that to refined and cultivated men, to the man who is to be an officer and a gentleman? Is that a good start for him to be a gentleman and an officer?

The man who hazes his fellows at Westpoint will, if he ever holds a commission, haze his soldiers in the camp; he will be a tyrant and a despot, as far as the Articles of War permit him to go, and he will find and invent thousands of ways and means to aggravate and to provoke and to discomfort the men who have the misfortune to be under his command.

How can it afford amusement to anybody, even to a Westpoint cadet, to see a man physically and mentally tortured and physically and mentally degraded? Do these young men consider for a moment the contempt with which the public view such proceedings?

Mr. PROCTOR. Will the Senator pardon me a moment?

Mr. MONEY. Certainly.

Mr. PROCTOR. I think the Senator will feel satisfied with the action of the Committee on Military Affairs when he sees the Westpoint Military Academy appropriation bill, which will be presented in a day or two.

Mr. MONEY. I hope I will be satisfied, for, I want to say, I am very much dissatisfied at this moment. I want to ask if those young gentlemen who went from their homes to receive the charity of this Republic in the way of an education, and to be paid while receiving it, consider the agonized heart of the mother of the boy whom they have done to death, or the sister or the sweetheart of the boy who has been compelled to submit to personal indignities which ought to have caused him to fight as long as he had breath in his body. Do they laugh when they think of the mother's agony? Is that any amusement to those young men? What an exhilarating subject of mirth it must be to them to know that they have wrung with anguish the heart of some poor mother somewhere for their treatment of her boy! It is a delightful recreation! How this system ever obtained a foothold I can not understand.

We all know about the fagging in English schools. There is a little of it here in America, but not much, because we are too individual in America to permit anything of that kind. I am not talking, as I said, about mere horseplay, rough jokes, or fighting, because I believe boys ought to be allowed to fight if they want to. It does not make much difference to anybody, and nobody gets hurt much where there is fair play all around. But this thing of mobbing a man by a lot of ruffians—if they do wear uniforms—stealing into the chamber or into the tent of a young man who is not expecting them, and by mere physical force compelling him to do the most odious things, that must forever forfeit his self-respect, should be stopped. I do not see how the self-respect of a man subjected to such indignities could ever revive so long as one of his oppressors lived.

I think we had better dismantle that establishment if something can not be done to correct this thing; but I am very much pleased to be assured by the statement of the distinguished Senator from Vermont [Mr. PROCTOR], who seems to know what he is talking about, that some steps are to be taken to correct this great evil there. I do not want to stop at the boys, but any instructor, any officer at Westpoint who connives or winks at or countenances this thing ought to be dishonorably discharged if it can be proved upon any one of them.

You can not teach a boy to fight in that way—putting him under a man twice his size and letting the young blackguards there get around to witness the struggle when his face is being pummeled out of shape. I want this thing stopped. If it sacrifices every officer of that institution, I want it stopped.

I have respect for the officers of the Army. So far as my acquaintance with them goes, they are gentlemen and they are soldiers, and they always prove good companions on occasion. I have respect for this institution, because I recognize the need of some technical school to teach the art of war, although I do not believe that any great general was ever made in any school except the school of war. Some of the greatest men who figured in our civil war were men who never saw Westpoint at all. Then what about the heroes of antiquity, who went to the place of command by reason of courage and who never knew any school except the school of the camp. Hannibal went to the camp at 7 years of age. In my opinion, he was the greatest general the world has ever seen. He maintained himself for seventeen years in the country of his enemy, without a solitary support of any kind from his own country.

Mr. President, as I said in the beginning of my remarks, this standing Army is the fruit of a certain policy that seems to have been adopted by the Republican party as the party of expansion by the subjugation of peoples half across the world—unwilling people, people who have as much right, in my opinion, to have national independence as have we. Be that as it may, I care nothing particularly of their fortunes, but I am solicitous about our own. This thing can not exist and go on without imperiling our

institutions here at home. It is impossible. There is not anything in history that does not show that that remark is true.

When Rome was centered in herself she was the mistress of the world, but when she began to spread her military colonies everywhere then the stranger came in, the Praetorian bands took possession of the capital, the purple went to the highest bidder, the people of Rome became the proletariats, and the fabric of the republic was destroyed. That is the history of Rome in her decay.

No country has ever yet sustained a colony with profit to itself. Great Britain has been continually losing her foreign trade and we have been gaining it without having any colonies, whilst she has innumerable colonies.

There has been no pretense that it was for the good of the people anywhere that these colonies were established. It has been in spite of the conquered people and for the benefit of the conqueror and for no other reason in the world. There is no excuse for acquiring colonies except that of commercial expansion. But our commerce has expanded without our ever having any possessions abroad. It is true in the interest of commerce we have compelled the people of the Far East sometimes to do things they did not want to do. Great Britain brought her power to bear upon China and compelled her to take opium. Although the Chinese Emperor insisted that its use was degrading and demoralizing to the people of China, Great Britain said: "We raise poppies in India, and you have got to take what we have got to sell." That originated the opium war. In every instance it is greed which is at the bottom of the whole of it—not only the lust of power, but the lust of gain of money.

No Senator has shown that we are going to make a cent out of this province that we are undertaking to govern. We have an example of the Constitution being denied there by gentlemen as able to discuss it as any on this floor, and they say the Constitution is smaller than its creature, the Congress of the United States, and that the President is sovereign in Cuba and that he is sovereign in the Philippine Islands. That is what we, on the Democratic side, have been accustomed to call imperialism, but it has been denounced and denied on the other side. They say there is no imperialism, and some one said there are no trusts.

Mr. President, we ought to put this bill in such shape that we can undo this work at any moment we please. It is much harder, as every gentleman on the other side will admit, to do an affirmative, substantive piece of work, of reducing the Army by enactment than to let the Army expire by limitation put in the bill itself which organizes it. There is an immense difference between the two things. One simply works itself out. The other requires affirmative action of the most strenuous kind in order to do it.

The question is whether we are going to bind ourselves that much. It was said yesterday, by the Senator from Wisconsin, I think—he is absent; some one said it, I think he did—that one Congress could not bind another. Well, it does not bind another in the sense that one Congress has not the constitutional power to repeal anything done before; but it binds its hands in this particular, that it has to do affirmatively and substantively that which would work out itself; and as I remarked awhile back in these interrupted observations, the whole social fabric of the Army is at work and will be at work with its ramifications everywhere among friends and kindred to see that the Army is not reduced, whether the necessity of the public service so requires or not. Then, we get accustomed to the use of these things. After having had an army for four or five years, we tolerate it after the necessity for it passes away. "It has been established; it has a certain foothold; it has an accustomed appropriation; why do away with it?"

Then, some people have an idea, which has been expressed pretty freely, that the Army should be in proportion to the size of the nation. It ought to be in proportion to the environments of the nation and not the size. We are impregnable at home. We are continental. What army can do us harm? Twenty-eight thousand men were ample and sufficient, as the nucleus, with the volunteers, to defeat any army in the world that could be brought to this coast. It is purely a visionary and theoretical idea that because we have 76,000,000 people we ought to have 100,000 or 200,000 soldiers. Why? Just for the pleasure of carrying them on our backs. There is no reason for it. Germany is getting tired of it. There is not a country in Europe that is not sick to death of its immense military establishment.

Why do they not disarm? Because no man dares to put down the sword. It will require a universal conflagration of war throughout the whole continent of Europe before they can disarm at all. In my opinion the best thing that could happen to Europe to-day would be a general war among all the great powers and the subsidiary powers, if necessary, in order that at the close, in the treaty of peace, the limit might be put to their war and peace establishments which would be commensurate with the ability of the country and their industries to support. For that reason I would not be sorry to hear of a war in Europe. We are not likely to have a war among ourselves here. We are not likely to be attacked by anybody. If we are, then we have the same old

resource—the volunteer soldier of the country—that has always been found ample and sufficient to meet any demand that has ever come upon us.

I can not believe, Mr. President, that this army should be kept over the term of two years, as is usual, and unless the policy which is now in vogue is pursued the number of men here provided will not be necessary at all; but if you continue to pursue this policy, if you shall insist upon subjugating people 9,000 miles away from your capital, if you shall insist upon extending your mere military rule—no colonies, no Constitution, nothing but imperialism and absolutism there—you will need these and more. But even if you need more you can still keep it limited by the term of two years, and as the necessity arises the people will arise to the necessity, and they will absolve you of your difficulties in making an army, of any size you want, of the volunteer soldiers of the country.

There is no use in saying that the volunteers will have to come back in two years. You can not keep any troops there longer than that time. The climate will not permit it. There is no country in the Tropics where any European army is maintained more than two years at a time. They are all paid double wages for their services in the tropical countries, so far as I am acquainted. I know England does. I know Spain does. I know France does. The German possessions are in Africa, a tropical country, and she has a million square miles and about 11,000,000 inhabitants, and her cost of maintaining her colonies has been more than double the whole trade both ways, not counting any profits whatever, and yet at the same time Germany enjoyed year before last fifty-three millions of trade with the English colonies which did not cost her a single penny to maintain.

I think that the advocates of the Army bill, with all deference to their wisdom in this matter, should have proved to the Senate and to the country that the policy was right, that the necessity existed, that the necessity would persist, so that you could not make the term two years, but it must run indefinitely; and I think myself it will be indefinite. As far as I am acquainted with the Filipino character there have been revolutions in the islands, first in one place and then in another. When one tribe was involved in rebellion another was on its back, they all being enemies of each other, speaking diverse languages, and being of different religions. There was no combination against Spain, yet all the time Spain was on the qui vive, every soldier on the alert, and the result was that one regiment after the other was sent over there to be returned again decimated in its ranks, but the governors-general came back with their pockets filled.

That is the case in every country which has been exploited by Europe, and it will be the case in every country exploited by America. You can not have a carpet-bag government without having theft. You can not have a military government without having oppression, and you can not have a combination of both without both results. Our situation in Cuba is characteristic of such civil administration. There were men for whom Senators stood sponsor for their fidelity to duty, their honesty, and their capacity, and who had no doubt good reasons to believe that they were all they claimed for them. It is the opportunity; it is the infirmity of the human race. You give the opportunity and the power and you are going to have wrongdoing. In the midst of civilization, in the densest society that humanity knows, you find the violation of law most frequent, because the opportunity to escape in the densely populated community admits of it. In the Whitechapel district of London there are more crimes committed than in any country shire in England, according to population, because the escape is easy.

Mr. President, I think I have said all I care to say on this subject at present. I do not know what will come up hereafter. We vote to-morrow at 4 o'clock. I dislike very much, however, to be forced to occupy the attitude of a man opposed to augmenting the Army in time of war. Peace may be proclaimed from some quarter and often has been. I recollect it became quite a joke here when every morning we had a bulletin from the Philippines, "I have the situation well in hand; so many killed, so many died of wounds, etc." Those bulletins came morning after morning, "Situation well in hand; casualties so and so, and so and so;" and when that general returned and declared the war over he received more than a Roman triumph in New York.

Regular soldiers were carried across the country to and fro, at an expense of over \$200,000 out of the Treasury, simply to do him honor for having terminated honorably and gloriously the war. Yet the Filipino war is going on. Even the defeat of Mr. Bryan has not stopped it. It ought to have done so, according to asseverations made by some orators. But the Filipinos are going on with the war regardless of Mr. Bryan. They did not begin the war on account of Mr. Bryan. They did not close it on account of him. They are doing it because they cherish the sentiment of liberty, which we so highly congratulate ourselves upon. We would despise those men if they were not doing what they are to-day. I would. I would have no respect for a people, none what-

ever—this is not treason—who did not struggle for liberty with all there was in them and continue to do it as long as anybody was left to do it, just as the Boers are doing in South Africa. Moral, religious, independent, fearless, self-reliant, full of liberty, and ready to be a martyr—that is what the Boer is to-day.

Mr. McCOMAS obtained the floor.

Mr. HALE. Will the Senator from Maryland yield to me for a moment? There is a very little bill on the table which has just come from the other House, and it will take no time to consider it.

Mr. McCOMAS. Certainly.

GENERAL LAND OFFICE.

Mr. HALE. I ask the Chair to lay before the Senate the bill (H. R. 13599) to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office, with a view to its consideration at the present time.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated by the Senator from Maine. It will be read for information.

The bill was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the sum of \$9,350 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation made for the fiscal year 1901 for furnishing transcripts of records and plats, General Land Office, to be expended under the direction of the Secretary of the Interior: *Provided,* That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of \$2 per day while actually employed, at such times and for such periods as exigencies of the work may demand.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BATE. I suppose it will not lead to debate. If it does, I shall object. If it does not, I will not.

Mr. HALE. It is simply a little deficiency to prevent a body of clerks from being turned out. It will lead to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHIEF JUSTICE JOHN MARSHALL.

Mr. LINDSAY. Will the Senator from Maryland yield to me for a moment.

Mr. McCOMAS. I will yield for a moment to the Senator from Kentucky.

Mr. LINDSAY. I ask leave out of order to introduce a concurrent resolution, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Senator from Kentucky offers a concurrent resolution, which will be read for the information of the Senate.

The Secretary read as follows:

Whereas the 4th day of February, A. D. 1801, will be generally celebrated throughout the United States as the one hundredth anniversary of the assumption by John Marshall of the office of Chief Justice of the United States; and

Whereas it is proposed that Congress shall observe the day by exercises over which the Chief Justice of the United States shall preside and at which the President shall be present; and

Whereas a memorial praying that Congress shall so take part in honoring the memory of this great Chief Justice has been transmitted to the Congress by the President in his last annual message; Therefore,

Resolved by the Senate (the House of Representatives concurring), That Congress will observe the 4th day of February next, being the one hundredth anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States, by exercises to be held in honor of his memory; and for that purpose a joint committee be appointed by the President of the Senate and the Speaker of the House, respectively, to arrange said exercises and the time and place therefor, to be participated in by the President and the Supreme Court, the Congress, and such officers of this Government and foreign governments, such members of the judiciary and of the bar, and such distinguished citizens as may be invited thereto by such committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HALE. I am by no means certain that in the present condition of the public business Congress will have a single day to devote even to so good a purpose as that. Therefore for the present I object.

The PRESIDING OFFICER. The resolution, under the rule, will go over until to-morrow.

SAVANNAH RIVER DAMS.

Mr. TILLMAN. Will the Senator from Maryland kindly indulge me to secure consideration for a private bill that must pass speedily and get to the other House if it is to go through?

Mr. McCOMAS. If it will lead to no discussion, I will yield for a moment.

Mr. TILLMAN. I am sure no one will have objection to it. I ask unanimous consent for the present consideration of the bill (S. 5351) permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

Mr. TILLMAN. The clerks had better get the bill as reported this morning, as it has been amended.

Mr. MASON. May I ask unanimous consent to introduce a bill?

Mr. BATE. I shall object—I see how this is running. After the consideration of the bill called up by the Senator from South Carolina.

Mr. MASON. I simply ask permission to introduce a bill for reference.

Mr. McCOMAS. Mr. President, I do not desire to discuss the Army bill. I am in favor of the bill, but I wish to call the attention of the Senate to several amendments which I think would be helpful to it.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Maryland objects to the consideration of the bill called up by the Senator from South Carolina?

Mr. McCOMAS. Objection was made, I understand.

The PRESIDING OFFICER. The Senator from Tennessee said he would not object to the consideration of this bill, but would object to other business.

Mr. McCOMAS. I thought the objection of the Senator from Tennessee was made now.

Mr. BATE. I understood the Senator from Maryland had the floor.

Mr. McCOMAS. Yes.

Mr. TILLMAN. I did not understand that the Senator from Tennessee objected to the consideration of the bill which I called up.

Mr. McCOMAS. The Senator from Tennessee is to follow me, and I shall occupy but a few minutes.

Mr. TILLMAN. If Senators object to having the bill considered, of course I do not want to intrude. It is a matter which must be pushed through the other House if it is to go through at all. But I will not insist.

Mr. McCOMAS. I understood the objection to be made to any bill. If it takes no time I will consent that the Senator from South Carolina may now call up his bill.

Mr. TILLMAN. I called up the bill and asked for its consideration, but the clerks did not seem to have it. It is the bill (S. 5351) permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of a bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was in section 1, page 1, line 14, after the word "Provided," to insert:

That each of the dams constructed shall be provided with an accessible lock of such capacity as may be prescribed by the Secretary of War: *Provided also.*

So as to read:

That the consent of Congress is hereby granted to Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors or assigns, to construct, erect, and maintain a dam across the Savannah River at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and all works incident thereto in the utilization of the power thereby developed; and also a dam across the said river at or near the southern end of Prices Island in said river, and about 5 miles from the mouth of Dortons Creek, and all works incident thereto in the utilization of the power thereby developed: *Provided.* That each of the dams constructed shall be provided with an accessible lock of such capacity as may be prescribed by the Secretary of War: *Provided also, etc.*

The amendment was agreed to.

The next amendment was, on page 2, section 1, in line 1, after the word "dams," to insert the words "and appurtenant works;" so as to read:

Provided. That the plans for the construction and maintenance of said dams and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 16, after the word "amend," to insert "or repeal;" so as to read:

That the right to amend or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was, after the word "act," in line 23, section 3, page 2, to insert:

And unless both dams shall be completed within the same time the rights and privileges hereby granted shall cease and be determined so far as pertains to the uncompleted dam.

So as to read:

That this act shall be null and void unless one of the said dams herein authorized shall be completed within five years from the passage of this act; and unless both dams shall be completed within the same time the rights and privileges hereby granted shall cease and be determined so far as pertains to the uncompleted dam.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INAUGURAL ARRANGEMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, to which it calls the attention of the Senator from Iowa.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President of the United States on the 4th day of March next.

The PRESIDENT pro tempore. The Senate a few days since appointed a committee on the part of the Senate. The Chair hardly knows what should be done with the resolution.

Mr. HALE. Let it go over, Mr. President.

Mr. ALLISON. I suggest that it lie on the table for the present, until proper investigation can be made.

The PRESIDENT pro tempore. It will lie on the table for the present.

Mr. ALLISON. The Senate has already taken the usual action.

THE MILITARY ESTABLISHMENT.

The Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. McCOMAS. Mr. President, I do not desire to discuss the Army bill. I shall vote for it, and I think a majority of the Senate have been anxious to vote for it. Perhaps not many of the Senators seriously object to the bill as now presented. The discussion and the resurrection by the Senator who has just finished speaking of the Pretorian guard and the scepters and the crowns and the kings have gone on generation after generation here. I observe that the proposed army, whose maximum is about 98,000 total effective force, with a minimum of about 54,000, is a very slight increase over the Army as established twenty-four years ago, when Congress passed the Army bill July 26, 1866. In that discussion I find the Pretorian guard was paraded across this arena and in the other House, the scepters and the crowns were jingled and made to do mournful duty, and then as now the country prospered, and then as now the Government still lived, and the people were never happier than to-day, and the Government was never more honored than to-day, and the people were never quite so prosperous as they are to-day.

I apprehend that this bill will pass to-morrow, and in a few days finally pass both Houses, and then the scepters and the Pretorian guard will be stowed away in the stage properties and the stage will be cleared for action upon other serious legislation and the country will go on, the Republic be safe, and liberty secure. But before this bill be passed I think several amendments ought to be made. I think the bill passed in the other House is wiser and broader, based upon the significant recent experience of mankind in war. I think this bill should, like the House bill, be liberalized in respect of the volunteers. I have not a personal interest in many of the volunteers, because not many of them are looking to me as having been sponsor for their appointments. But I speak of this as an American representative.

Why is it that in this bill an age limit is applied, and applied to the business departments of the Army? There is not an age limit elsewhere. There are limitations upon volunteers entering the Army elsewhere, but why should the age limit be applied to the business men, whose career and service in the last three years in Army places have been so significant that the world has admired them, and the one power in the world just now needing to imitate has imitated those volunteers in that service? In the Paymaster's Department, the Commissary's Department, the Quartermaster's Department why are the volunteers excluded?

It seems to me, Mr. President, that we are apt in this general discussion, looking at the framework of this bill, to mistake matters for things. What is the Regular Army? As I have said, twenty-four years ago it had a maximum of 80,000 and a minimum of 47,000. It has by this bill a maximum of about 98,000 and a minimum of about 54,000. But what is the Regular Army as the people know it, as Senators here know it? It is the 27,000 men, or thereabouts, who were in the service at the outbreak of the Spanish war. If this bill be passed, as it will be passed, what will be the Regular Army? Citizens with commissions very likely in the Regular Army as temporarily arranged in the last Congress, and then a slight accretion from the volunteers like them. That is the Regular Army to-day. Apart from the 27,000 men it is made up of volunteers.

Now, as between the volunteers with the tag and strap of the Regular Army, with not more experience but in a large degree with less experience than the 35,000 volunteers now in the service, why should we limit and restrict the opportunity of addition to our permanent Regular Army to the volunteers with regular commissions and exclude so largely some of the most meritorious

volunteers in the volunteer regiments of still longer service, of more active service, in Santiago, in the Philippines, or it may be in China, and let them stay behind those regulars of no larger experience, of no greater merit, and of no fuller trial at the bridges of battle?

It seems to me that if you are to make the limitation anywhere it ought not to be put in the business part of the Army. I think in the line the way should be opened to all the gallant volunteers who responded to the President's call. I understand the Commissary Department holds the view I see here expressed by the head of the Quartermaster's Department in the RECORD of December 5, in a letter addressed to the Committee on Military Affairs in the House. Here I find the Quartermaster-General of the Army, speaking, as I apprehend, for all of the great business departments of the Army, saying that the age limit applied to the Quartermaster's Department would be prejudicial in effect to the public service. He says this limit will prevent a large majority of the most valuable volunteer officers from being appointed, thereby depriving the Department of their experience and of their services. The same thing is said in the testimony in respect of other departments here.

I have not observed in the Westpoint training an especial fitness for business affairs. I am sorry to find, as has been said in the last few days on this floor, a general tendency to make them unfit for anything of public service to their country until they improve their manners and build up their manliness. If you are to recruit the Quartermaster's, and the Commissary, and the Pay departments from others than officers and men who have had three years' army training in the two hemispheres in the last three years under our flag, I think they should not be deferred to the supply of those young men who, it appears—I speak not of all of them, but of many of them—must spend so much time in unlearning that which they have been acquiring at Westpoint, where they should have been taught better.

I have inquired, and I find that there are now going to Porto Rico, going to Habana and Santiago, going to Guam and Hawaii and to the Philippines 70 of the best volunteer officers, and, I doubt not, a like proportion of the commissary officers, and out of the 70 volunteer quartermasters, who are now put in the most trusted and important and responsible places in this important service, 50 of those officers are over the age limit of 40 years. If a man be forty years and a few days old and has spent the last three of those forty years in the service of the country, is it well for the country or the service to cut him off now, to turn him out, and then put in from the lower rounds the young men from Westpoint, who are not giving us the cheer and the hope for their future that the country is entitled to expect in the reorganization of the Army?

Mr. HAWLEY. I should like to suggest to the Senator from Maryland one source of comfort to those who think that we are overlooking the common man. I think it was 64 enlisted men who received commissions in the Regular Army last year, and 52 cadets.

Mr. McCOMAS. That is very creditable and very encouraging, Mr. President. I see not why the line should now be drawn at men of 40 years of age. Suppose, for instance, General Wood should apply for a commission under this bill. Suppose Colonel Roosevelt, who now will soon have weighty duties here, had applied for a commission under such a bill. Suppose that General Funston, who won brilliant fame by dashing exhibition of gallantry and genius for war in the Philippines, should apply for a commission under this bill of reorganization. They could not get into the Army. I favor this bill. I want it better. If those I have named had applied here for a commission without an act of Congress to enable them to enter, the age limit would have barred them out.

Mr. PROCTOR. Will the Senator from Maryland allow me to interrupt him?

Mr. McCOMAS. I yield to the Senator from Vermont.

Mr. PROCTOR. The position of brigadier-general is open to all the gentlemen he has named. I hardly suppose they would apply for appointment as captains.

Mr. McCOMAS. The very able Senator, who has been an able Secretary of War, I think, speaks rather from his present opinion than from his past experience. I think in his time he has seen men who have applied for places of brigadier-general, and fallen to colonels and majors and captains, perhaps. He has seen it recently. Such things have happened and such things may happen again. I apprehend it will happen. But what sort of reason is there in reorganizing the Army, if the men I have named, who the Senator says might be made brigadier-generals by applying to Congress, that the framework of the bill should not be so adjusted now, because I believe that the reorganization of this Army, which will be consummated within ten days from this time perhaps, will last for a generation.

Why should it not be flexible enough; and why should not the President be trusted with that discretion to appoint those men or men like them if they apply for commissions in the Regular Army

service? They are men with a talent for war, developed upon the fields better than schools and bureaus, and this framework should be flexible enough to enable the President to include such if he would. Why not? And especially when by the fortune and the wisdom and the confidence of the American people the President who has borne on both shoulders all the burdens of this great Government and all the complications of peace and war all round the globe may be trusted, in his care for them, out of the volunteers to discriminate and elevate those who are entitled to such commissions after such gallant service.

I have high respect for the Regular Army, but I have a discriminating respect for it. They are good soldiers; they are good officers; but they have the faults of their training too; and if the present condition of affairs at Westpoint goes far back and permeates the young men who recently went out from that training school of officers, I can see how some of the defects of the regular service were necessary consequences, and have happened as they have happened now and then. I give full meed of praise to the regular soldier and the regular officer, but they have the defects of the regularity itself.

Mr. President, if you are to train an army as against three years or four years in a military school plusten or fifteen years in a bureau or an Army post, where only a company could ordinarily, under our skeleton of an army, be gotten together, when a war would come, against the training in the bureau, the narrow life and company drill at a post of officers highly trained but never given the chance to control a regiment or a brigade in evolution—against that training of the bureau and the Army post I would put the training of three years in war and in battle. Every nation would do the same, every government would do the same, because experience shows that three years of war is the best training to make experienced and admirable soldiers and officers.

The reason why it is not done is because the blood and treasure expended in war is too expensive a school and none would maintain wars to train soldiers, but when by force of public sentiment and foreign exigency you have a war thrust upon you it is a mistake, it is a narrow policy, if out of the selections of the fightings, if out of the siftings of the experience and ability in the transport service, in the Commissary Department, you do not gather those men of especial ability who with three years' training in the field and under the flag have anticipated twenty years of bureau and post and special narrow service. Taking the best of them, you will not crowd the Army under this very bill as it is framed; you lift the whole Army upward and you leave in the lower ranks about 920 lieutenants, as I understand it, who will be volunteers.

Now, one of the amendments I propose is to the provision for the Inspector-General's corps. Excellent volunteers have served in it and have gained large experience. These volunteers by the amendment I propose here, and hope to have voted upon, will be enabled to apply under the law just as the captains of the Regular Army can compete for the rank of major in the Inspector-General's corps. I see no good reason why the same should not be applied to the Adjutant-General's Office. I have not applied it in this amendment.

So it is, Mr. President, I hope the Senate may vote to let in some of those 70 volunteer officers who are in the Quartermaster's Department and, perhaps, some of the 50 or 60 or 70 commissary officers—I have not the number here. Five-sevenths of those volunteers who have helped General Ludington to build up this great department are over 40.

We had the skeleton of a regular army and the war cloud broke suddenly upon us. What happened? Some of the best soldiery, regular and volunteers, were hurried to Santiago, and in the holds of ships were the materials to feed them in the trenches and to give them ammunition on the firing line and to put them on stretchers, if wounded, and there were the medicines in the hospitals; and in this skeleton system of ours the transport system failed. We had never had a transport system on the high seas, and there we were with the stores of the Army at Tampa or even at Santiago in sight of the men engaged in the fight, and the system of the regulars broke down in the new exigency.

And what happened in another corps of the Army? It is not to the credit of the Regular Army which I have so much praised that we went into that war lagging behind Spain, and that her troops fired upon ours with smokeless powder and our Army had not given our boys in the trenches and in the charge the same smokeless powder their enemy had. We were caught napping. It was the condition of the skeleton Army, which I think should warn some of the Senators here now, who talk about having a mere skeleton framework once more. A memory of three years ago ought to admonish us that the Army ought to be at least sufficient. This bill makes it simply sufficient and not excessive.

But, Mr. President, when these things happened what happened thereafter? General Ludington, who ought to be made a major-general for service in that great department, has since, aided by Colonel Bird and others, in that splendid service, aided by 70 volunteer business men in the Army, some of whom had been as

boys in the old war and now enlisted for the new war, and have been in suffering of climate and exigency of campaign, and yet they have organized a transport service of 23 transports and 8 or 9 tugs. They have followed the Army to Cuba, and they have followed the Army to the Philippines, aye, farther, they have followed Chaffee to China, and they have fed them—the quartermaster and the commissary.

What does the bill now propose to these men? Sir, you have done well. You have helped your chief to build up the greatest system there is in the country in respect of quartermaster and commissary service, but you were born about ten months too early; you can not longer serve your country in the vigor of your early prime. I say it is wrong, and I submit to the Military Committee that they can do no wiser thing to strengthen the bill than to strike out that age limit and leave to the President the fate of those officers.

I speak for those men who are now in service, but I speak more for the service itself, which they have helped to build up. We saw Great Britain a while ago facing thirty or forty thousand peasants and farmers with no cavalry, with no artillery, with no trained officers or engineers. Two hundred and fifty thousand men, composing the armies of Great Britain in South Africa, have been sent against these farmers in a wide field of operation. What has happened? That army which was thought to be the most highly specialized in military development in Europe has had campaigns followed by disaster after disaster to the stronger trained military force, making it seem, as the German military staff say, that perhaps the English army officers are idle and lazy, and therefore ignorant—that is the German charge—and that their system, with all its years of regularity, in spite of its reorganization fifteen years ago, has broken down by reason of bureaucracy and the too great infusion of favoritism, indulgence, and corruption.

Now, again, they are about to reorganize the British army. I have no doubt that when they do reorganize it they will give to those men who came from Canada, from New South Wales, from elsewhere in Australia, to the South African volunteers who were most conspicuous in successes in their South African war, some chances and opportunity of entrance into this service, some infusion of the volunteer blood which as against this brave force was the most effective in charge, in attack, or in defense.

Mr. President, if this amendment be passed, if you wipe out this age limit and concur with the House of Representatives in opening the door to these officers, you will keep the business men who for twenty or twenty-five years to come can do what Westpoint men can not do half so well. You may keep them and they will help the service. You will put an infusion of the volunteers in the regular framework of the Army.

I repeat, Mr. President, it should be done now when this business sense of the Army is in its highest development, having its most approved success; and we have seen unhappily in our country that if the quartermaster or commissary is thought not to be doing full duty then the vigilant people of the press will fill the columns of the papers with charges of dereliction here and there. The highest evidence of the extraordinary merits of the transportation service which has been created under the able and efficient management of General Ludington, of the Quartermaster's Department, is that Great Britain has imitated it; and the next highest evidence is that the public press and inquiring gentlemen who follow all over the islands our Army have nothing in dispraise of it.

In conclusion, Mr. President, I hope, as a friend of this bill, as a friend of the Army, and as a friend of this system of taking men who by merit in field have in three years learned that which makes the best of business training in the service of the Army, that opportunities will be given in all these departments, in spite of the age of 40 years, that men of merit and vigor and war training may not be lost to the military service, and, most of all, that they be not lost to the Army which we are about to perpetuate for a generation at the very time when the Westpoint mill, which is grinding out the young men to supply this Army, needs most seriously a renovation, a rehabilitation.

Keep some of these men until those young men better trained may grow up to fill their places. Let them have a Westpoint training; but, above all, do not lose what by blood and treasure and expenditure of three years you have had the chance involuntarily to gain—a trained business service in the Quartermaster and the Commissary and the Pay departments of the Army—and give some leeway to these volunteers in the Inspector's and the Adjutant-General's corps. Above all, give a chance to the Spanish and Philippine volunteers for commissions in the line.

I shall hope to get a vote on those amendments. I would be glad if the Military Committee would in their wisdom assent to or accept them.

Mr. BATE obtained the floor.

Mr. PROCTOR. Will the Senator from Tennessee yield to me for two or three moments?

Mr. BATE. Yes, sir; I will.

Mr. PROCTOR. Mr. President, there have always been limitations of age in the Army, and in the Navy, too, I think. The committee considered all these questions very carefully, and I think if the Senate will look into the matter fully they will confirm what the Senator from Missouri [Mr. COCKRELL] said day before yesterday. He said that the bill is in as good a shape as it could possibly be gotten. I think the change that has been forced upon the committee was plainly for the worse, and very much the worse, for the volunteer, as I attempted to show this afternoon—the change which shuts out the appointment of 250 volunteers.

Now, in regard to this limit of age, I have very little to say. The committee thought that to appoint men who could give less than twenty-four years' service was not right to the Government. But the House struck out—I believe it was done on the floor of the House; I am not sure of that—the age limit, although it is my impression that the committee favor some limit. I think the Senator will be satisfied, when that matter will go to conference, that there will certainly be a full, reasonable chance for deserving officers of volunteers. I expect that the age limit will be raised.

Perhaps the real point of the Senator's remarks is in regard to the Adjutant-General's and the Inspector-General's corps. He wishes those open to volunteers. The lowest rank there is the rank of major. Appointments to that corps by law are now made from the captains of the Army upon competitive examination. The duties are of a very technical character. The office of the Inspector-General is one of great importance and needs an officer of long training.

One great trouble that the committee has had in preparing this bill is the claims that have been set up to fit particular cases. The committee has considered all sides of these questions. We have had the chief of every staff before us; we have had the Secretary of War, and we have also had great numbers of individuals who feared that their own rights might be harmed.

I sympathize with the Senator's wishes to get a personal friend into the Inspector-General's corps. I wish I might agree with him. I do not think, however, it would be for the benefit of that gentleman if he should even be designated for examination. The examination is extremely rigid. An inspector-general must not only be familiar with all ordinary military routine matters, but he must be an expert in accounts, as he has to inspect the accounts of the engineers on river and harbor work and other very difficult matters of that kind.

I think the more the bill is examined the more the Senate will be ready to indorse the expression of the Senator from Missouri that the bill was in as good shape as it could be.

Mr. McCOMAS. If the Senator will allow me, I want to say, in respect to his last suggestion, that I have offered this amendment in respect of the Inspectors' corps—

Mr. BATE. I believe I have the floor.

Mr. McCOMAS. Will the Senator allow me a moment in answer to the Senator from Vermont [Mr. PROCTOR]?

Mr. BATE. Certainly.

Mr. McCOMAS. I had not the least apprehension that, under the amendment I have here put in, the gentleman to whom the Senator has alluded can ever enter. I was led to look into that branch of the service, and I observed—and I think rightly observed—that, with respect to the Adjutant-General and the Inspector-General, this bill should be enlarged.

I quite agree with the Senator that the gentleman to whom he refers, who is a friend of his, and he probably helped to get him appointed—I did not, but the Senator probably did; I know him only casually—can never obtain any benefit from this amendment, but I think the people will obtain benefit from it, and I think the Army will. I do not, however, desire to take the time of the Senator from Tennessee.

Mr. PROCTOR. The committee were unanimous in their vote.

Mr. McCOMAS. In regard to the age limit?

Mr. PROCTOR. In regard to the two corps of which the Senator has spoken.

Mr. McCOMAS. But not as to the age limit?

Mr. PROCTOR. There is no age limit.

Mr. McCOMAS. I mean the Paymasters' and the Quartermasters' corps. Were the committee unanimous on that?

Mr. PROCTOR. Certainly; they were finally.

Mr. BATE. Mr. President, I wish to say a few words in regard to the pending bill. It is not a bill which I can support, and I expect to vote against it. I am a member of the Committee on Military Affairs, from which the bill came, but it was not reported with a unanimous recommendation.

I think this is, perhaps, the most important bill upon the Calendar, not only of this session, but for many years past. It is fraught with more evil to the country, in my opinion, than any bill which has been presented in the Senate for consideration for many years. It calls, practically, for a hundred thousand men—I speak in round numbers—organized into a regular establishment. It does not state the particular period for which that number shall be enlisted; hence, a permanency.

The history of this bill is shown by the testimony taken before the Committee on Military Affairs, and also by the statements of Senators upon the floor. We have now some 54,000 regulars in the Army, and we have about 35,000 volunteers. About 71,000 of these are in the Philippines and the remaining ones are scattered at home, in Cuba, and in Porto Rico. The purpose of this bill seems to be to enlarge the Army of the United States, in the first place, and, in the next place, to convert that Army into a regular military establishment. That is the object of it. I see no reason why the Army should be so increased or why we should change its form. Why should we not have in our Army volunteers, and allow them to participate in battles and in the defense of our country, and gather honors that arise therefrom?

I do not see why the volunteers should be eliminated from the men who have ever been and are to be the defenders of the country. This bill, as I conceive, practically does that. The Administration want a hundred thousand regulars, commanded by the Regular Army officers, and for what do they want them? Does the bill itself say for what they are wanted? Does the President, who is at the head and front alike of the Army and the Government, tell us for what he wants these 100,000 men? Is there any intimation in the bill or anything known in the history of the bill to show for what they want these 100,000 men? It is true, possibly, and known to the country, that we have troubles in the Philippine Islands, but in this bill there is no specific reason given for the raising of these 100,000 men. The word "Philippines" is not used in it except in the last clause, which clothes the President with power to enlist Filipinos, if he sees fit, in the Army of the United States.

Not only so, the word "emergency" is not used in the bill. There is no reason given whatever. It is silent upon that. The President in his message has not given any reason and the communication to Congress from the Secretary of War has not given any. In framing the bill it is not mentioned. It is generally conceded, however, that it is for the purpose of being sent to the Philippines, but for what purpose, immediate or proximate, is not known. Is it to crush out the Filipinos or is it to be sent there for the purpose of simply maintaining the present status? Has the Administration a defined policy touching the Philippine matters? If so, what is it, and why is it not stated and published so the Congress can know what may be expected and provide for it? The country is ignorant of the Administration's policy, if it has one. Hence we are in the dark as to what ought to be done, if anything, touching this much vexed and embarrassing question.

This Army bill is the culmination of that consolidation of all power in the hands of Federal authority which has marked the course of events under the Republican party. It is to be seen in the treaty of peace with Spain, which changed the form and substance of all previous treaties by which land and people were acquired, and placed the acquisition under that treaty outside of the Constitution, where they were to be governed not according to the Constitution and laws of the United States, but exploited in the judgment and discretion of the President. It is to be seen in the Philippines, where a commission, appointed and selected by the President, but unknown heretofore in our laws and totally outside of all the precedents and principles of American government, enacts the laws and administers the finances without responsibility or accountability to the Congress or the people.

A VICIOUS THEORY.

It is to be traced in the theory—which is at variance with all American principles of Government—that the United States possesses and may exercise every power which any other Government may exert, over land and people acquired by treaty, conquest, or cession, so long as such lands are not States in the Union. If that theory has any place in our system, then we have a dual character in the Federal Government, for which there is no recognition in the Constitution, which created the Federal Government. While all schools of construction recognize that the Federal Government is supreme within the limits laid down in the Constitution, this new theory carries that supremacy wherever the flag floats, and gives to our Government a character for which only fiction supplies a description in "Dr. Jekyll and Mr. Hyde," and gives it two faces, Janus-like, one smiling upon the States, while the other frowns upon our conquered subjects. This game, with the flag of "now you see it and now don't" ill becomes our great country.

This Army bill is to be the initial work of Congress in the twentieth century, and takes precedence of all the measures which tend toward peaceful ends and which must stand aside in order that this bill may create "the ranks and squadrons of right forms of war," for the conquest of a people that can never become American citizens or comprehend the principles and measures of our liberty as we have it.

This Army bill is intended, though not so expressed, to carry liberty on the points of its bayonets to the shirtless denizens of the forests of the Philippines, but its supporters deny that it can, in any way, threaten the liberty of the people within the States, and hold it to be only a means of forcible possession for the people

who do not, because they can not comprehend the attractiveness of liberty when stuck on the point of a bayonet or shot from a gatling gun.

There was a very decided objection to "quartering large bodies of armed troops" among our forefathers, and to "standing armies without the consent of our legislature;" to rendering "the military independent of and superior to the civil power," and to "imposing taxes on us without our consent."

The British King never tried a commission as the governing authority. All these were acts of consolidation, and this bill is designed to compel obedience in the Philippines to all and every act against which our ancestors rebelled in this country.

I do not believe that the people in the last Presidential election contemplated that the Republican party at the next session of Congress would set up the same kind of despotism in the Philippines against which our ancestors went to war with Great Britain. I do not believe that the people by their votes intended to empower this Congress to create a large standing army—that threat to all liberty in any government. I do not believe that the people of the States at the last election intended to vest and consolidate in the hands of the President the very powers against which, in the hands of the King of England, our forefathers rebelled and fought a successful war.

It was but the other day when we heard read in this Senate from the general in command in the Philippines, General MacArthur, the statement that if we would give him a full complement of an organized and thoroughly equipped Signal Corps he could accomplish certain results with 60,000 men, but otherwise it might take 150,000 to do it. With a properly organized Signal Corps, with 60,000 men, he said he could maintain order and peace there. General MacArthur, commanding the army in the Philippines, states this fact, and yet 100,000 regulars are called for and a thorough reorganization of the Army under this bill.

I object to this Army of 100,000 men because it violates all the PRECEDENTS OF OUR HISTORY.

Our people are not prepared for this legislation. No one ever heard before this that we wanted or would soon have a hundred thousand men as a regular standing Army. No Senator or Representative in Congress seriously urged it. No speaker before the hustings stated it in the late political canvass, and I have seen no communication to that effect from an official source. It is true it was charged by the Democrats that such was the intention, but it was denied and ridiculed by Republicans. But it seems now that this is the culmination of what was then going on. It seems that the hundred thousand men were to come soon after the election was over, that here the step is to be taken to complete that intention, and the hundred thousand men have been called for through this bill by the Secretary of War, speaking, of course, for the President of the United States, to be used, I suppose, for operations in the islands where the trouble exists. Yet the bill does not hint at that.

Various reasons have been given why the Army should be raised to this size. Among others is the fact that we have coast batteries, the establishment of which commenced two or three years since. I remember distinctly three years ago that the proposition was made to raise two regiments of artillery—made at the request of the General of the Army. Why? Simply because it was said he wanted that many, and no more, for the purpose of manning and regulating our coast defenses or using them, in the main, in addition to what he had, for that purpose. I was opposed to it at that time and spoke and voted against it. I then said that was only a beginning, an entering wedge, and it has resulted, as I supposed it would, in calling for more men for those coast batteries and millions of money.

There has been \$60,000,000 already appropriated for that sea-coast battery work, but to complete that work of coast defense it is now stated will require \$126,000,000. I do not see the practical use of that. I do not think that money has been usefully expended. I can not see that it is, for the reason that our forts and batteries along our coast line are fixtures and can not be used with effect save in their immediate fronts. When an enemy comes, should he ever do so, he can flank the position and take the battery in reverse, and to prevent that would require vessels that can be sent from place to place. There is no need for such fortifications except around our chief cities, to defend them in case an enemy should approach.

I believe that it would be a better defense to this country if we would take that \$126,000,000, or half of it, and put it into iron-clad battle ships that can defend any point along our coast and move to that point when necessary. Recent events show that our chief defense in the future will have to be our vessels afloat, and not on land. What government on earth would dare to attack us upon the land? No nation. Neither England nor France nor Russia nor Germany would think of doing so. Why, then, do you need 100,000 men and the vast expenditure of money necessary to equip and maintain such an army? This vast sum, or a part of it, in my judgment, would be better expended in battle ships,

cruisers, etc., which may be called into requisition in protecting our commercial interests at home and abroad.

Is it desired to make war to extermination upon the Philippines with the 100,000 soldiers called for in this bill? Do you propose to take these men over there to hold possession of that oriental country permanently? If so, there is no telling how long it will take nor how many men. It is demonstrated now that the troops there are doing no more effective work than they were a year ago.

Again, Mr. President, this bill does not mention the length of time of service, after two years or three years, as its predecessors did in March, 1899, and in 1898, when we made the volunteers a supplement to the Regular Army. This bill does not fix any limit of time for

ENLISTMENT AND SERVICE.

It is to go on ad infinitum, although we are told here every day that it can be subsequently repealed by Congress. That, I think, is a mistake. When this army is once established, with 100,000 men under the organization set forth in this bill, it will be almost impossible to dissolve it. With all the interests which permeate this country under this bill, when every State shall have its favorite sons in the Army, and when almost every neighborhood will be represented, how are we going to get this law repealed? It can not be done, and it is a mockery and a farce to say that it can. And it will not be done. When you pass the bill in its present form and fasten it upon this people, nothing less than a revolution will ever do away with it.

Then, we do not need this army. For it would take but the 60,000 men, to which I have referred, which General MacArthur says would be the number necessary, provided he had an efficient signal corps, to maintain the present status.

I do not know what is the best to be done. I do not want capriciously to oppose the organization of a sufficient military force, if the President of the United States, the head of our Army, will tell us it is needed, and what for. If the President honestly believes, and says he needs additional force, I do not wish to deny him that; but I want the President to define his policy and let the country know why he wants this large standing army. Is not the situation in the East a *pretense* for raising a large standing army to be foisted permanently on the country? It seems he has no settled and defined policy. If he has one let him say so, and send in a message to that effect. It seems he wants this large regular army, which is unknown to our people, but beyond that we know nothing.

Mr. President, we should have a limit, not exceeding two or three years, for enlistment and not take this whole force called for and put it into an army and make it a great centralizing power upon this American continent. To do so is un-American, un-republican. It is putting the rights of our people and our institutions in peril to build up such a large standing army. It will give largely increased patronage, and the time may come, and that not very long, when it may be increased from 100,000 to 150,000 or even 250,000. You can now hear such a thing whispered in certain circles. There are, I regret to say, a certain class in this country who say they want what they call a strong government—which when read between the lines means monarchy. Republics have been destroyed in that insidious way. When Rome set out to establish her military colonies she went to pieces, but while she remained at home the Republic was preserved and she had but little trouble.

CENTRALIZATION.

Mr. President, we are drifting along in the same line as did the Republic of Rome, to a great center. By this bill we are taking power from the States and giving it to the central Government. Troops have heretofore been raised by the governors of the States and transferred to the central Government, to be used for the purpose for which they were called. Take Mr. Lincoln, the strongest figure perhaps in the history of the civil war. Mr. Lincoln was here at the head of this great Government during that emergency. Troubles sprang up in the conduct of the war; it proceeded with difficulties and embarrassments, and he called for volunteers even for thirty days, for ninety days, and for one hundred days. Yet with all those "emergencies," with all those embarrassments, you can not find a single scintilla of evidence that Mr. Lincoln ever asked for a regular army.

Who fought those great battles of our civil war? Sir, the volunteers upon either side—the Federal and Confederate. We had no regulars in the South. The Federals had but few in the North. The greatest battles ever fought, which are known to history, were fought by those volunteers in our struggle between the States. I do not mean to discredit, or even disparage, the regulars; they have always fought with distinguished gallantry. The militia or volunteers were called into action by Mr. Lincoln, as the Constitution prescribes. That was his course as Commander in Chief of the Army. Mr. Lincoln called upon the governors of the States for troops. The records of the Adjutant-General's Office show it. He relied upon getting volunteers from the States through their respective governors for the two millions and three-quarters of enlisted men during the four years of the war, and he got them.

Mr. CAFFERY. I will ask the Senator whether there has not

been always this distinction between the home and the foreign soldier; that the foreign soldiers have always been the supporters of imperialistic power and tyranny, whereas the home soldiers, the volunteers, have always been the defenders of republics?

Mr. BATE. Such is my understanding. Your suggestion is correct.

The bill is very fascinating in its way. It has been worked up, perhaps, all last summer by ingenious hands. Some skillful engineer has measured it in its height and depth and breadth in all its relations. Its purpose is to establish a large regular army and to do away with the volunteer.

THE VOLUNTEERS AND REGULARS—THE DIFFERENCE.

Yes, Mr. President, take the volunteer. He is generally a man of education and training, of culture, of high morals and patriotism, and when the cannonading detonates around the hills and through our valleys, and the tocsin of war is heard, and with it there comes a call for volunteers, he leaves his family and friends and home; he leaves his plow in the field, the hammer and the saw in the workshop, and musters under his country's banner. He goes to the fight; and, when the battle is over and the victory won, honors are gathered, he gets his share of them, and on his return the people give him a warm welcome. That man always has a home, and he goes back to it. That is the distinction between the regular and the volunteer. The latter returns to the bosom of his friends and family with honors, and wears them gracefully. The regular is apt to return to the Army by reenlistment for bounty, or go among strangers, and often to a strange country, and is lost sight of.

The regular, as a rule, does not enlist with his neighbors and friends, very often is a foreigner, with no identity with our country. Often the regular, if a native, has no home or friends to be identified with. If he has such, he generally loses his identity with them. He does not feel that allegiance to or pride in his State the volunteer does. He knows his acts do not contribute so much to the glory of his State, except as an integral part of the General Government. The regular is apt to lose interest in home and home affairs and home people, and the fewest number of those who enlist in the Regular Army return to their former homes. The wide world becomes his habitat. Not so with the volunteer. He almost invariably returns to his old home and friends and is received by them in open arms, adds to the pride and glory of his old home and its people and makes the best of citizen.

It is claimed to be *economical* to have regulars and not volunteers. There are more potent reasons than the one of expense that gives preference to the regular over the volunteer, as claimed in this bill. It reverses the order of things as they relate to the defense of our country. It strikes at the independence, the majesty, and power of the States. It robs them of the cherished right to organize and contribute the fighting force for the defense of our country as they have done heretofore. It transfers the vast patronage that belongs to the organization of troops from the governors of States to the President of the United States. "That is the milk in the cocoanut." It draws strength and power from the many governors and centers it in one man, and that man is the head of the General Government. It brings about a nepotism that permeates the whole country, placing obligations to the official who controls at the center instead of in local authority. Such legislation paralyzes local self-government and insidiously undermines our republican form of government. In common parlance this bill spells nation with a big N and States with a little s, and

MARKS THE DECADENCE OF THE STATES.

By this bill we centralize by putting power into the hands of the President which he never had before. You take it from whom? From the governors of the States, from the officials who have the right to it under the Constitution and by all the precedents as governors of sovereign States. They have a right, which the Constitution recognizes, to control the State militia until after it is organized and turned over to the United States. The governors of States have the power to appoint the officers, to say who shall be the colonel of the regiment, the lieutenant-colonel, the major, the captains, the lieutenants, etc. This bill takes that right away from them. It denies to them the power which belongs to them, and which has been exercised by them now for more than a hundred years. It is novel in this, that it is a new departure from the old precedents under which we have lived and flourished.

Then what do we do with that power thus taken from the governors? We transfer it to the President, the great central head. But have we the right to do that? It is questionable when we see what the Constitution says about the militia. Who does not know the force of official patronage and the nepotism that follows? We see it exercised every day, sometimes to our disapprobation—yea, even, in some cases, to the disgust of the country.

This power of patronage is dangerous to any republic, and we should keep it in proper bounds. I fear it may be extended until it permeates the whole country, and by official influence control, if not corrupt, the ballot box, directly or indirectly.

The "scheme" involved in this bill will result in taking power from the people and putting it in the hands of a single person.

Is not that centralism, and is not centralism the doorway to imperialism? This is not so much a step as a stride in that direction. And it is the first step in the new century, and a bad one at that, for a government whose foundation is claimed to rest on the will of the people and whose reliance is on local self-government.

The bill proposes to confer upon the President a power unknown before, as far as I can recall, in the history of the Government. It was not given to Mr. Lincoln when the Senators from Connecticut [Mr. HAWLEY] and from Vermont [Mr. PROCTOR], who seem to have this bill in charge, fought under his banner. Neither was such power exercised by Mr. Lincoln, nor called for by him.

A POWER HERETOFORE UNHEARD OF IN OUR HISTORY.

I beg to refer more particularly to this discretionary power granted in this bill—the power to determine how many troops the President will have, whether there will be 54,000 or a hundred thousand, without limit of time as to service, except that which now governs enlistment in the Regular Army. Mr. Lincoln did not exercise this power in the most trying emergencies, nor did he seek to have it conferred on him, because he thought the Constitution in spirit, if not in letter, provided otherwise, and he followed the example of all other Presidents.

But, Mr. President, we have progressed, you know. A brighter light beaming from a central effulgence beckons us on, leading us into new relations which discard the necessity for an act of Congress and gives that power at the discretion of any President, giving him a double authority, not only to call out troops without special act of Congress, but to call for regulars instead of militia or volunteers. Besides, sir, it does not require any reasons to be given or "emergency" cited for such call. Such a stretch of power is born of a spirit of absolutism and is un-American. No reasons are given by the President for this, at least none that I have ever seen, and none are given in this bill, because it seeks to ingraft a new theory of government upon our country. The Filipinos are not mentioned nor the word "emergency" used in the bill except as I have already indicated. It is a power that is extraordinary—and if granted, is guarded, even in the hands of kings and emperors—and should not be granted in a republic—if at all, not without being hedged in by such barriers as would forbid its improper exercise by any President who may hereafter occupy the executive chair.

Again, Mr. President, I can not vote to give a discretionary power to increase the number of men to compose our Regular Army to the President or to any man. If the Congress can give him power to increase the companies, he can regulate the size of the Army regardless of Congress.

It is a stretch of doubtful authority under our Constitution, and, if authorized, should only be exercised in extreme cases.

The man who has that power can frame and organize an army to suit himself, and ultimately, were he so disposed, use it for his own personal or party purposes in elections or elsewhere.

I do not believe, nor would I intimate, that the present incumbent, President McKinley, would abuse the power if given him; but it is a dangerous precedent, and we know not what some subsequent man in authority might do, and it is safer not to open the door that might lead to the exercise of such dangerous power.

ABANDONMENT OF DUTY.

The Constitution says the Congress shall declare war and raise armies and make appropriations therefor, and nowhere gives exclusive power to the Chief Executive to declare war without the authority of Congress, and he can only raise troops as authorized by Congress; and, I repeat, it is a dangerous precedent.

This little finishing touch of "discretionary" power at the end, as last clause to the enactment sought, touching each arm of the service, runs as a vital cord through every closing section of this bill that gives authority to raise troops.

The President, at his discretion, shall have authority to add by enlistment three to every four that shall compose the companies in each arm of the service.

Why not let Congress, as it has a right to do, call for this Presidential force and have them put in the Army as other soldiers are now being put in, and not put sugar on the little pill for the people to swallow. Our people want no 100,000 regular standing army. Such a demand all at once might come like a panic upon them. Therefore it must be done by degrees and by indirection, if needed—leave 35,000 to be called out by the President—but it will be done, all the same, as it was done under the last act—1898-99—giving similar power, and you will see that they will be enlisted and organized not by governors, but by the President.

The continuing power of discretion by the President in such case is of doubtful constitutionality. It may possibly be given him for a particular purpose or in an emergency, but not for this power to continue with him when the emergency has passed.

The language used virtually makes this act permanent, for the language "until Congress provides otherwise" is surplusage. All acts stand until repealed anyhow. And when would this be repealed? The same influences that had it framed and passed would keep it from being repealed. Our only saving clause is the con-

stitutional provision that appropriations can not be made for longer than two years, and this check is our hope.

If there is an "emergency" let us say so in terms. Let us say that an emergency is on and in the Philippines, if it is so.

I have no fear, sir, of President McKinley in this regard more than I have of any good man in authority for whom I have great personal respect. I have no fears of the regular officers not doing their duty under this act, but the

THEORY IS WRONG AND INCONSISTENT

with our form of government. I have a very high opinion of the Regular Army and its officers. I know many of our Army officers. My relations with them are pleasant. I have been and am thrown a good deal in contact with them in my services on the Committee on Military Affairs, and I know many of them personally. They are cultivated gentlemen of captivating bearing and most taking manners, and they know how to approach Senators and Members of the House, not as a lobbyist in its common acceptance, but with a refined elegance that is as winsome as it is effective, and that is one reason why I say if you give this power you will never repeat it.

You have felt it and so have I. We have all felt it, for human nature is the same whether in or out of the Senate. The personal blandishments and charms of Washington's social life have been said to have captured everybody who came within its charmed circle but the firm, defiant, and incorruptible Andrew Jackson; and while that saying is without warrant, for there are many others, yet it is conceded in our political history that he was the highest type of that sort of man. I repeat, Mr. President, that this discretionary power given to a President is extraordinary and dangerous, and no President ever asked for it, although emergency after emergency has come upon us. Mr. Madison, when the very Capitol was burned, did not ask for it. No; he simply made a call, for troops for defense, on some of the governors of States, and they were furnished as expeditiously as possible.

That is what he did under the most trying circumstances. And so with every President up to this time; and why, I ask, should those precedents be disregarded and set aside with an impunity that borders on indifference? Is it merely to give to the present Administration a discretionary power, full of patronage, with which political obligations may be canceled and new ones created? The proposed discretionary power is without limit save as to numbers, and when under it the Army is full it will number nearly four times as many as was its status three years ago. He can keep the Army full, to a hundred thousand, as long as he pleases, and when this bill is once upon the statute books, in my opinion, it will remain there. Then, I say, in view of these facts it is a step in the wrong direction. It is a stride toward centralism, giving patronage and power that carries danger to our Republic. I am not a prophet nor a forecaster, but venture in that realm far enough to predict that if this bill becomes a law it will not be repealed, but remodeled to strengthen if not enlarge it.

It is said that we should convert the Army into a purely Regular Army because it is more economical. In other words, the transportation from here to the islands of which we have taken possession is so great that we must take into consideration the question of economy.

AN EXPENSIVE ECONOMY.

Mr. President, the idea of the present Administration talking about economy when you look at its history in relation to finance! Read but the history of the last session of this Republican Congress and see the wasteful extravagance of what was in the Treasury; the creation of new obligations; finished off with the conversion of noninterest-paying obligations into those that demand interest; in the conversion of all our bonds into gold bonds with interest payable in gold, and the issuance on sale of \$200,000,000 of bonds, and say if talk of economy in this connection is not farcical in the extreme. This money goes in part to pay retired officers and pensioners, and in a great many instances, properly so. I do not object to an ex-Federal soldier getting a pension, if it is proper for him to have it, and there is no fraud in it. No ex-Confederate soldier does. He is willing that he shall have it if he has been shot in battle, wounded, or disabled, or if killed, his survivors shall have it. But the ex-Confederates have no patience with the man who would get a pension by fraud, or who would stump his toe or cut his finger, or be sick and get well, and then complain of sickness the remainder of his life—notwithstanding he looks hale and hearty and is able to take care of himself—and yet draw a pension.

I wish to state that the cost of the soldier in his enlistment and in his clothing and feeding in the Army is less to-day than for the soldiers who have come out of the Army. The man who is in the Army now and gets his monthly pay with his clothes and rations costs the Government less than he will cost the Government, five times out of six, or nine times out of ten, when he gets out of the Army. Look at the numerous and large soldiers' homes. Look at your pension roll. Look at the big red brick establishment at the corner of Fifth and F streets, and see the hundreds, even thousands, of clerks you have there at work. One hundred and forty-five million dollars appropriated in one year for pensions! That is more than your Army costs.

I repeat, the soldier in the Army is cheaper than the soldier out of the Army. When you get these hundred thousand men, look out if instead of a hundred and forty-five million there will not be two hundred and more million that you will have to appropriate for annually to meet these obligations on the part of the Government. Therefore let us be cautious how we provide for the hundred thousand troops, especially when General MacArthur says that with a proper signal corps, full and thoroughly organized, he can take care of the Philippine Islands with 60,000; otherwise it might require 150,000 men.

Yet the promoters and friends of this bill override that and vote his proposition down. And now we are asked for a hundred thousand men instead of 60,000. When we look sensibly into all these things may I ask what will be the final result?

This power which is asked to be given to the President belongs properly to Congress, and it is the duty of Congress to exercise it, to call out the needed number of troops—the militia, the volunteer, or whatever form it may desire the Army to take. It is the duty of Congress to specify the number and to call them out, and the Constitution in this relation uses the term "militia," which in later years has come to mean volunteer. It says Congress may do it. It is silent as to the President doing it. No President has ever yet exercised this power. The President will have a right under this bill, should it become law, to call them out at will and let them stay in service, which I bitterly oppose.

The President under this bill will have the right, as I have said, to put three men in where there are four, or three out of seven. In addition to that he will have the right to give a commission to every man he wants to give it to, so that there is a place for him in the Regular Army. Contemplate for a moment this patronage and power and its effect. See how surely we are moving along to centralized power, how we are drifting, regardless of the danger ahead of us, even until it may be too late to prevent the plunge into the abyss. Let us stop while we can.

In this connection let me say that there is a very marked difference between the volunteer and the regular. And I cast no aspersions upon the regular. He is a man who serves the purpose of our Government just as well as anyone could. He is a man, however, who enlists in time of peace. The volunteer never comes to the front, sir, until he hears the tocsin of war. He keeps his powder dry and cleans his gun in time of peace. He is most likely a business man, or the son of one, paying his taxes regularly to aid in supporting the Government.

I am against the pending bill for the reasons I have mentioned. It is dangerous, sir, to a republican government; it is un-American, and we do not need the soldiers. We need this money to build ships for the country and pay our debts.

We should call for the men as we need them. We do not want to call for them by the hundred thousand. That is the way they do in Europe. England, Germany, France, and Russia call for men by the hundred thousand and the half million. We have not got that far along yet. We are not yet, thank God, a military government. This is a stride in that direction, and I am here protesting against it.

The Constitution authorizes the Congress

TO RAISE AND SUPPORT ARMIES,

and sets very wisely no limit to the exercise of that power. But the traditions of our history and the practices of our Government, in unbroken series, from 1776 to 1901 have recognized that the Regular Army of the United States was designed only as the nucleus around which the citizen soldiery—the volunteers, and the National Guard, should rally in time of danger when the defense of the country or its justifiable aggression should be intrusted to the militia, "organized, armed, and disciplined" by Congress.

I desire in this connection to make a further suggestion. What is our National Guard for? Why are we paying three or four hundred thousand dollars a year to furnish them arms, and tents, and equipments unless we can call them out at the proper time? They are at all times under arms, or supposed to be, and drilled and organized. But, Mr. President, that does not suit the policy of this bill, because the President would then be denied the power of appointing the officers. That is one of the reasons, and a potent one.

The two powers—that to raise armies and that to use the militia—have never before this bill been separated. The Army bill of 1899, which this bill is to supersede, kept the volunteers as supplement to the Regular Army. The war with Spain was conducted by the joint and harmonious gallantry of the Regular Army and the volunteers from the States; the civil war was fought on both sides by the volunteers, and the part taken by the Regular Army, however gallant, was significantly small in comparison with the volunteers: the Mexican war was the volunteer's war; the war of 1812 was the militia's war, and the Revolutionary war knew no Regular Army.

The Regular Army did the most of the fighting in the war with Spain, I concede. But whenever the volunteers had a chance they exemplified their courage and high character. Thus from our earliest history, from our first struggle in the field to our last, it has been the citizen soldiery, which is the synonym of volunteers,

that defended the country and carried the flag in triumphant victory wherever it went.

The only exclusive field of military operations of the United States Army has been that of fighting the Indians, when a company or squadron, sometimes a battalion, occasionally a regiment, has been engaged, but never, I believe, a brigade since the days when Colonel Johnson killed Tecumseh.

It is not only the glorious traditions and brilliant pages in the history of our armies that this bill abandons when it eliminates the citizen soldiery from the Army, but it goes even further in an un-American direction and substitutes the discretion of the President as to the size of the Army for the imperative duty of the Congress to fix the limit of numbers to the Army of the United States, and to make the appropriation for it.

That power, as I think, the Congress has no authority to delegate, nor the President any constitutional warrant to accept and exercise. It is the constitutional duty of Congress to raise the Army to such numbers as, in its judgment, the occasion may demand. There is no authority for a minimum with a maximum attachment in the discretion of the President. As I have said, I apprehend no improper use of the Army by the present incumbent of the Executive chair. But it has been said that "every precedent embalms a principle," and this Presidential discretion which to-day has no precedent in all our history may hereafter be cited as a precedent and then grow into a principle, dangerous to the liberty and welfare of this country.

There is another feature in the bill that forbids my support—the

MANIFEST INJUSTICE

which shuts out the volunteer officers and men from appointment by the President. The gallant officers who volunteered under the Army bill of 1899 are to be discharged when their several commands are mustered out, and turned adrift with no recognition by reappointment in the army to be raised by this bill.

Many of those officers by service at the front have acquired far better experience of the duty and requirements of a soldier than can be learned in the academic halls of Westpoint, and yet this bill fails to recognize any right in their service and experience to reappointment in the arms of the service created by this bill, except as second lieutenants under certain conditions. There are between two and three thousand commissioned officers to be appointed under this bill to which two years' active service in the fields of Cuba and the Philippines is no recommendation which the President can recognize in his appointments under this bill. The Army of the United States, 100,000 strong, is thus made by this bill a close corporation, from which the gallant volunteer officers, as well as the not less gallant soldiers, are almost effectually shut out.

I fully appreciate the desirability of having trained officers in a newly recruited army, and most highly appreciate those gallant and accomplished young regulars now in the Army. It is my fortune to know some of them from Tennessee, and more attractive and efficient officers are not to be found in any army. But I fail to understand the reason for excluding officers who have faithfully and efficiently discharged every duty during the two years, and who must have learned in that service much that can not be taught in any military school.

The leading features and pivotal points in this bill consist in

ESTABLISHING A LARGE ARMY OF REGULARS ONLY,

excluding volunteers therefrom. By volunteers I do not mean only those now in service, but I use that term in its broad and generic sense—such young men as want to compete for an official place in the Army by the side of the regular, and if he outstrips him, then let him have the place. Some of the most noted men in the service now, and many of those who have won promotion and honors in the Regular Army, were appointees of Presidents from civil life.

It is proposed to deny to any President the right to appoint an outsider in the Army, unless he first runs the gantlet at Westpoint. This idea of snubbing the sons of old volunteers by having an exclusive act forbidding their entering the Army from civil life, however well qualified, should not be commended.

Take but a glance at our war history and see the patriotic devotion, the gallant feats, the suffering and sacrifices from Vladez Forge to Appomattox, of the volunteers and the grand results of their achievements, and then deny them, if we can, that justice in opening to their sons the door to official distinction. Not to speak of the part taken in our old Revolution, but glance for a moment at the war of 1812 and we will see the National Capitol burned by British invaders; the Indians inspired by British gold to massacre our citizens. Who, I ask, came to the relief but volunteers?

They flew to our standard and beat the enemy in the Northwest at Tippecanoe and the Thames, and aggressively entered Canada, under General Scott, who, like Saul, stood head and shoulders above his coupees and punished our enemy at Lundys Lane and relieved the Northwest. In our devoted Southland, under volunteers led by General Jackson, renown was won by their arms at Talladega and the Horseshoe, and culminated at New Orleans in vanquishing the trained regulars under Pakenham, and

giving honor and distinction to the 8th of January, the day on which the Tennessee and Kentucky volunteers fought that great battle.

Let us glance again, Mr. President, at the volunteer as he figured in the Mexican war, called the "Volunteer war."

While the black fort of Monterey and the blood-stained hills of Buena Vista live in history the American volunteers will share in the song and story that brighten their memory.

While the bald hill of Cerro Gordo casts its shadow to the rising and setting sun, the volunteers who stormed its height in front of its batteries will belong to history.

The lava beds of Contreras and Churubusco are yet marks of volunteer gallantry; Molino del Rey and the hill of Chapultepec, that overlooks the city of the ancient Aztecs, are monuments to the honor and glory of the American volunteers. And, Mr. President, look at the results of these marches and battles of our volunteers, and vast inland country gained thereby, and a coast on the Pacific Ocean from the Gulf of California to Oregon, dotted along rivers and harbors inviting commerce from the East.

Back of that coast line you see California, that wonderland, with climate and soil unsurpassed, with mountains and valleys, with forests and fields with amazing production, and from her placer mines and quartz mountains the adventurous miner has gathered golden apples and sent them on waiters of silver from Nevada, emptying them in the lap of our Treasury.

When we see all this patriotism and devotion of our volunteers, the greatness and glory and unbounded wealth they have brought upon this country, I can but feel it sacrilegious to make an invidious distinction against the old volunteer or his sons in closing to him the door to military emoluments and distinction.

This bill is one of the signs that we are drifting to the center. It is a long stride in that direction. It is like a revolution in thus departing from the spirit of the Constitution, spurning all precedents set and followed by our fathers, and, like revolution, it takes no step backward.

The passage of this bill may be the beginning of the end. It will be a period in the history of this country. Whenever we change our *volunteer system* into a *permanent establishment* we make an epoch in the history of this country; we initiate a "scheme" that will lead to a large standing army—a step to centralism.

Ah, Mr. President, it looks to me like a strike at the States—denying to them the privilege of organizing the military forces of the country. It pushes them into the background, to be lost sight of amidst the gilded glory of a great central power, where all the patronage is to be given out, while the individuality of States is lost sight of.

This is one of the many things indicating that we, as a people, are *drifting, drifting along the current of events, heedless of the Niagara ahead of us*. May we pause ere it is too late.

Mr. FORAKER obtained the floor.

Mr. McCUMBER. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. I wish to make a motion that the Senate proceed to the consideration of executive business, but I will yield for a moment.

Mr. McCUMBER. The Senator from Ohio yields long enough for me to introduce an amendment to the pending bill. I ask that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The amendment will be received and lie on the table.

Mr. PROCTOR. Let it be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Amendment intended to be proposed by Mr. McCUMBER. After the word "nine," in line 4 on page 31, section 17, add the following proviso:

Provided, That the age limit provided for in this section shall not apply to persons who have served as soldiers or officers in the civil war, and as paymasters or additional paymasters in the war with Spain or in the Philippine Islands.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. I yield.

Mr. PENROSE. I desire to offer an amendment to which I call the attention of the Senator from Vermont, and if there is no objection to it, I ask to have it acted on now. It is to insert, in section 30, line 14, after the word "officers," the words "and enlisted men," giving the enlisted men the right to wear their uniforms on occasions of ceremony as well as the officers. I believe this amendment is requested by the Spanish-American war volunteers, and it does not occur to me that there can be any objection to it.

Mr. PROCTOR. In the absence of the other members of the committee, I wish to have the amendment go over.

Mr. PENROSE. I will offer the amendment then.

The PRESIDING OFFICER. Objection being raised to present action, the amendment will go over.

Mr. GALLINGER. Mr. President, I had intended to take the floor to occupy about five minutes. I understand that the Senator from Ohio desires an executive session, and I shall endeavor to get the floor in the morning, simply in advocacy of two amendments. I do not claim it now.

Mr. PETTIGREW. If anyone desires to speak on the bill, its consideration should go on. To-morrow is liable to be taken up with it, and I very much hope that a motion will not be made to go into executive session if any Senator desires to speak or to offer amendments to be voted upon.

Mr. PENROSE. I have an amendment which I desire to offer. Unless the Senator from Ohio has some particular reason for having an executive session, I would suggest that we go on with the bill.

Mr. PETTIGREW. Certainly we should go on with the bill.

Mr. FORAKER. I am very anxious to have an executive session, but of course, if any one insists on speaking upon the Army bill, he has that right under the agreement which has been made.

Mr. GALLINGER. I do not at all insist. I think I shall get an opportunity to-morrow to occupy five minutes. That is all the time I shall require.

Mr. FORAKER. We have now twenty minutes until 5 o'clock. I thought we might have an executive session and get through with some matters.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his motion or insist upon it?

Mr. FORAKER. I can not insist upon my motion if Senators insist upon speaking to the bill, because the agreement was, impliedly at least, made that their right to speak on the bill shall have precedence of everything else. I had hoped that no one would want to speak at this time. Does the Senator from Pennsylvania desire the floor except only to offer an amendment to the bill?

Mr. PENROSE. I had hoped that we could get a vote upon the amendment offered by the Senator from Maryland [Mr. McCOMAS], taking away the age limit in certain volunteer appointments.

Mr. McCOMAS. I should be glad to get that vote if I can.

Mr. PENROSE. I am earnestly in favor of the amendment offered, as an act of justice to our volunteer soldiers.

Mr. FORAKER. I will withdraw my motion to proceed to the consideration of executive business until Senators are willing to yield the floor.

Mr. PENROSE. Then, Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I am earnestly in favor of the amendment offered by the Senator from Maryland. My only criticism is that it does not go anywhere far enough. I consider it to be an act of justice to the volunteer soldiers who fought in the Spanish-American war that they should be extended a larger degree of recognition than seems to be contemplated in this bill.

I believe in the principle that the graduates at Westpoint and the officers of the Regular Army should constitute the great body of the officers of our Army. Particularly is this true in time of war. But at the same time I have not always felt that the graduate at Westpoint, particularly in the administration of his civil duties, always shows the best discretion or the best equipment. I believe that an infusion of officers taken from civil life, with some degree of military experience, would be beneficial for the Army.

I have no disposition, Mr. President, to inflict any injustice upon the officers of the Regular Army, but at the same time I believe that an injustice is being inflicted upon the officers of the Volunteer Army. These men left the employments of peace, at considerable sacrifice, to serve their country. They were absent for two and three years, and some of them, having abandoned their occupations and their associations at home, now desire to continue in the service of the United States in a military capacity.

Mr. President, all over the United States, almost every State represented on this floor has distinguished officers to-day serving in the Philippine Islands at great sacrifice to their future careers in civil affairs, who doubtless desire to be retained, and who ought to be retained, in the Army of the United States. I hold in my hand a list of officers from different States, which I will not read because it may draw invidious distinctions by the omission of names equally entitled to be there. There are two notable instances in the State which I represent. In both instances from Pennsylvania the War Department, I know, desires to have the services of these officers in the Regular Army, but they would be disfranchised and rendered incapable of appointment under the terms of the pending bill.

The officer in the Regular Army is graduated at the expense of the Government; he is assured of steady promotion and of regular support during his active service and a pension for his declining years. The citizen who goes from civil life into the service of his

country has no such assurance. We should encourage the patriotic sentiment in the breast of every American citizen, so that he will be willing in time of war to make these sacrifices, and shall have some assurance that his country will appreciate the sacrifices which he may make. I consider that the men who left the profession of law or mercantile pursuits to spend three years in the prime of their life in the Philippine Islands are entitled in many respects to far greater recognition than those officers of the Regular Army who have been educated by the Government and will be taken care of by the Government until the day of their death.

I believe that the discretion can be safely intrusted to the President to make a few appointments of those volunteers who, by conspicuous services and gallantry, are entitled to consideration. We can safely leave with the President that discretion, and can feel assured that he will not perpetrate many acts of injustice to officers in the Regular Army.

As I said, the amendment of the Senator from Maryland does not, in my opinion, go far enough, and I therefore offer an amendment as a substitute to take its place, and I ask for a vote on it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out all provisions in the bill which place an age limit against the appointment of volunteers in the Regular Army.

Mr. PENROSE. I should like to add to that amendment the words "in cases of conspicuous service."

Mr. GALLINGER and others. It would be better to leave that out.

Mr. PENROSE. I will leave that out at the suggestion of some Senators around me.

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment?

Mr. PROCTOR. I think it would be hardly fair to some Senators who have left to have any vote to-night. Most of the members of the committee have gone away, and several Senators have been assured that there would be no vote to-night. This amendment is not the first one in order. It was expected that the amendments would come up in the order of their introduction. I think it would be hardly just to those Senators who have gone away to ask for a vote to-night.

Mr. TELLER. I should like to inquire of the Senator whether the committee are opposed to this amendment?

Mr. PROCTOR. The committee not being here, I can not state. The committee put a different provision in the bill.

Mr. TELLER. It seems to me a committee who are willing to intrust the President of the United States with the great power of saying whether the Army shall be 54,000 or 100,000 need not be very much worried about a little discretion as to whether he shall appoint a man over 40 years or under 40. I think if they can allow him the discretion in the greater matter they ought to allow it to him in the lesser.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Pennsylvania to the fact that the amendment is not in a form that it can be moved in its present shape.

Mr. PENROSE. I will let the amendment go over. I understand that it is in order. The Senator from Vermont suggests that it is not. I understood the unanimous-consent agreement to be that amendments could be offered, and I hope the members of the committee will be here in the morning.

Mr. PETTIGREW. Let us hear the point of order stated.

Mr. PENROSE. There is no point of order raised.

Mr. GALLINGER (to Mr. PROCTOR). You do not make a point of order?

Mr. PROCTOR. I will correct the Senator. I made no point of order. The amendment is not in the order in which the amendments were placed by the Secretary—the order of introduction. It was supposed that the amendments would be brought up by the Secretary in the order in which they were introduced, and it was the understanding of a good many Senators that there would be no vote to-night. It was out of fairness and justice to them that I asked that the amendments might go over.

The PRESIDING OFFICER. The Chair understood the Senator from Pennsylvania to ask to have the amendment go over.

Mr. TELLER. I wish to say that I do not want to recognize the rule that the Secretary can arrange these amendments and take an amendment out of the power of the Senator who offers it, so that he can not call it up, if that is what the Senator means.

Mr. PROCTOR. I meant nothing of the kind. I merely meant that it was supposed the amendments would naturally come in that order, and so some Senators have been relying upon that order.

Mr. TELLER. I do not object to that, as a matter of convenience that may be done. That is probably a very good way to proceed; but I thought from the suggestion—

Mr. PROCTOR. Not at all.

Mr. TELLER. I thought it was going to be claimed that it was out of order.

Mr. PROCTOR. Oh, no.

Mr. TELLER. It is certainly in order, if that is the question.

The PRESIDING OFFICER. If the Senator will allow the Chair, he is told by the clerks that the President pro tempore has been submitting the amendments in the order in which they have been offered, and that was understood to be the order in which they were to be submitted to the Senate.

Mr. PENROSE. There is no understanding to that effect that I know of. This is a very important amendment, and I want to have assurance if it goes over to-day that it can come up early in the morning. It affects thousands of men in the Volunteer Army who desire appointments. I should like to know, if it goes over, whether I can not call it up, if I am here, in the morning and have it considered, or whether I must wait until all the other amendments ahead of it have been taken up for consideration?

Mr. TELLER. You can call it up at any time when you see fit. Nobody will prevent you if the Senate will take it up.

Mr. GALLINGER. That is right.

Mr. SPOONER. I offer an amendment to the bill, which I ask may be read, printed, and go over until to-morrow morning.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be read.

The SECRETARY. On page 45 strike out all after the word "Army," in line 10, down to and including the words "Secretary of War," in line 13, and substitute therefor:

The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.

The PRESIDING OFFICER. The amendment will go over and be printed.

EXECUTIVE SESSION.

Mr. FORAKER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 18, 1901, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate January 17, 1901.

APPOINTMENT IN THE ARMY—GENERAL OFFICER.

To be brigadier-general.

Col. Henry B. Freeman, Twenty-fourth Infantry, January 16, 1901, vice Wheeler, retired from active service.

CONFIRMATION.

Executive nomination confirmed by the Senate January 17, 1901.

APPOINTMENT IN THE ARMY—GENERAL OFFICER.

To be brigadier-general.

Col. Henry B. Freeman, Twenty-fourth Infantry, January 16, 1901.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 17, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CODIFICATION OF POSTAL LAWS.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to modify the special order made Thursday, January 10, 1901, whereby the bill (H. R. 13423) to revise and codify the postal laws was made a special order after the conclusion of the river and harbor bill, and to substitute therefor the order which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the motion to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 13423) to revise and codify the postal laws shall be a continuing order, not to interfere with the consideration of general appropriation bills, conference reports, or private bills on Fridays.

The SPEAKER. Without objection, this modification will be made.

There was no objection.

CHANGE OF REFERENCE.

The SPEAKER. The chairman of the Committee on Pensions requests that the bill (H. R. 13538) to establish an intermediate rate of pension be transferred from the Committee on Pensions to the Committee on Invalid Pensions. In the absence of objection, that order will be made.

There was no objection.

IMPRESSION OF HOUSE SEAL FOR STATE DEPARTMENT.

The SPEAKER. The Chair lays before the House a letter from the Acting Secretary of State, which will be read.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, January 15, 1901.

SIR: I have the honor to request you to furnish an impression of the seal of the House of Representatives, for the files of this Department and for purposes of reference for authentications.

I have the honor to be, sir, your obedient servant,

DAVID J. HILL, Acting Secretary.

The SPEAKER OF THE
HOUSE OF REPRESENTATIVES, UNITED STATES.

The SPEAKER. The Chair thinks that this is a matter which should properly be done by order of the House, and therefore submits the draft of an order to be adopted by the House, in pursuance of the request of the State Department.

The Clerk read as follows:

Ordered, That the Clerk be directed to furnish to the Department of State, in accordance with the request transmitted to the House from that Department, an impression of the seal of the House of Representatives.

The SPEAKER. In the absence of objection, this order will be adopted.

There was no objection.

CODIFICATION OF POSTAL LAWS.

Mr. LOUD. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LAWRENCE in the chair) and proceeded to the consideration of House bill No. 13423.

Mr. LOUD. I ask that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LOUD]?

Mr. MADDOX. Before that question is submitted, Mr. Chairman, I would like to say to the chairman of the committee that while I have no objection to dispensing with the first formal reading of the bill, yet on account of the importance of the matter of which it treats I hope he will give to the House a full and complete explanation of all of the changes in the present law contemplated by the pending bill.

Mr. LOUD. I had intended—

The CHAIRMAN. The Chair will first submit the request. Is there objection to dispensing with the first reading of the bill?

There was no objection.

Mr. LOUD. Mr. Chairman, I had intended to make a very brief statement with reference to the bill, because an extended statement would be wholly unnecessary, as will be seen in a few moments if I can have the attention of the committee.

This, Mr. Chairman, may properly be called a codification of the postal laws. While it is a revision and a codification of the laws, the committee that went over the bill carefully avoided making any changes in the existing law, excepting such changes as twenty-eight years of experience has demonstrated to be necessary.

There has been no revision or codification of the postal laws since 1872. The criminal portion of the bill was revised by the commission appointed some years since to revise and codify the criminal and penal laws of the United States. This report came to Congress and to the committee in the form of two bills, a criminal and a civil code. Discussing this question with the Assistant Attorney-General of the Post-Office Department, we found that if the two bills were passed separate they would ultimately have to be grouped into one bill, as the criminal and penal provisions could not well all be placed by themselves, and apart from the other features of the bill, and the bill necessarily would have to have been consolidated and resectioned.

The bill was introduced and referred after a consultation with the Speaker of the House, the members of the Judiciary Committee, and the Committee on the Revision of the Laws, which two committees might properly each claim jurisdiction over a portion of the bill, and it was agreed that the bill should go to the Committee on the Post-Office and Post-Roads.

When it came to the committee, I will say, I called to my personal assistance the gentleman from Iowa, late a member of this House, Mr. McPherson, now United States district judge of the State of Iowa, and my colleague from the State of Texas [Mr. BURKE], and the gentleman from Ohio [Mr. BROMWELL]. At times other members of the committee were also called upon, and we went over as carefully as we could every section of the proposed bill, making some changes that were submitted to us for consideration, because some changes were submitted to the law that we believed ought to be made, while others were proposed which might properly be made, and yet we realized that if any radical changes were attempted in the postal laws it would be

impossible to pass the bill through both Houses of Congress. For that reason only such modifications have been made, as I have already stated, as the experience of the past twenty-eight years demands.

A codification of the postal laws, permit me to say, is almost absolutely necessary for the use of the Post-Office Department. There is no controversy about this bill. I will give an illustration to the House of what the bill practically contains. Most members know that I have been insistent for a long time past to bring about a change in the existing law relating to second-class mail matter. I will state that there is no change in that law contemplated in this bill, for the reason, which I stated a few moments ago, that it would be impossible to get the bill through at this session of Congress. But a codification of the postal laws is absolutely necessary. If a change of the law in any particular is desirable which would give rise to extended discussion, we thought it would be unwise to incorporate it in the bill, as it might defeat the whole codification.

Mr. HOPKINS. Will the gentleman from California allow me?

Mr. LOUD. Certainly.

Mr. HOPKINS. There is nothing in the bill itself, as far as I have been able to ascertain, to indicate whether there is any change of existing law, or, if so, what changes are contemplated.

Mr. LOUD. The report of the committee gives each section of the bill in detail from beginning to end and recites every change that is contemplated by this legislation. If the gentleman will get a copy of the report of the committee and examine it, he will see, set out in full, every section that is proposed to be changed and the modifications which are suggested by the committee, and where no such changes are set out in the report of course the section will contain the present law as it is now in force.

Mr. ROBINSON of Indiana. I would like to ask the gentleman specifically if there is any change proposed in this bill in reference to regulation of letter carriers, their salaries, etc., and if so, to what extent?

Mr. LOUD. There is no change whatever, sir. Let me say again to the House that there is no change in the bill of existing law except what changes twenty-eight years have demonstrated to be absolutely necessary. Regulations that have had the force of law for many years are incorporated here as statutes. I want to say to the House now in perfect candor that while it may be desirable to change many of the postal laws, yet, standing as we do within six weeks of the adjournment of this session of Congress, if any radical changes are proposed in an endeavor to carry into effect any of the reclassification laws or any other radical change in the law, it must become apparent to the mind of any person that the bill never can pass the Senate, and I appeal to the House here to take this bill substantially as it comes from the committee on a report unanimous in its character; and, as I say again, making no change in existing law except what has become absolutely necessary by the lapse of time since a codification has taken place.

Mr. ROBINSON of Indiana. Mr. Chairman, I understand that the gentleman from California [Mr. LOUD] has embodied in the form of law what have heretofore been regulations of the Post-Office Department. In explanation of that inquiry I should like to know what the bill provides on the subject of vacation leave to employees, if anything? As I understand, there are regulations in the post-offices outside of Washington which grant certain vacation privileges to employees. I should like to know whether there is any change provided in this bill, or what provisions are embodied for the employees outside of the city of Washington on the subject of vacation?

Mr. LOUD. The provisions are incorporated in this bill that have been in effect the law for many years, providing for a vacation of fifteen days. We have incorporated the present law regarding the vacations of letter carriers.

Mr. HENRY C. SMITH. Will the gentleman yield for a question?

Mr. LOUD. What is the gentleman's question?

Mr. HENRY C. SMITH. If your proposed revision is adopted, the law concerning railway mail pay would continue as it now is, as I understand it. Is that correct?

Mr. LOUD. That is correct, Mr. Chairman, and it will remain the same whether it is adopted or not, permit me to say, because we simply incorporate in this bill the present law, and if this bill is not passed, evidently the present law will remain upon the statute books.

Mr. HENRY C. SMITH. If it were desirable to modify the law in that respect, would there be any other opportunity to make the modification except during the consideration of this bill? I mean during the present session of Congress would there be any other opportunity?

Mr. LOUD. Mr. Chairman, that is something that I can not tell. I suppose that a bill to change the rate of pay to railroad companies would have the same opportunity of passing in this House that any bill of equal merit would. I will say, personally,

Mr. Chairman, after an investigation of two years and a half, that I think the question of railroad mail pay should be considered by this House upon the Post-Office appropriation bill. I am free to say, of course, that such legislation would be subject to a point of order; yet upon the appropriation bill all modifications of this law have taken place that have taken place since 1873. If any law be adopted upon the appropriation bill it must go with the bill, and the appropriation bill must pass. It is not necessary that this bill pass. Let me say—and I will give the gentleman my honest opinion—that if this bill should carry any modification of railway mail pay it would involve first a question of great magnitude that ought to be discussed by this House for some days, and if there should be one Senator at the other end of the Capitol who was opposed to the adoption of what we should adopt it never could become a law, and with it must die any bill that should become a law.

Mr. HENRY C. SMITH. This is what I want to say further, if I may be permitted to say so. I am in accord with the position of the gentleman, that the demands of the Department require the passage of this bill and a recodification of the postal laws. At the same time myself and others desire an opportunity to say something in reply to the criticism of Professor Adams, of the University of Michigan, in the report of this committee.

Mr. LOUD. What committee?

Mr. HENRY C. SMITH. The committee which considered the subject of railway mail pay.

Mr. LOUD. That is a joint commission that has no connection whatever with the Post-Office Committee.

Mr. HENRY C. SMITH. I think the criticism of that gentleman by the committee is unjust, and, as a Representative of the district in which he lives, I desire to say something; but I do not want to say anything that will hurt this bill if there is any other opportunity to say it.

Mr. LOUD. I will say, Mr. Chairman, that it will be my pleasure to accord to the gentleman, so far as I have the power, and to other gentlemen, all reasonable opportunity to discuss that question fully on the Post-Office appropriation bill.

Mr. MOODY of Massachusetts. Will the gentleman from California permit me a word? As a member of the Postal Commission I desire to protest against the theory that the members of that commission have reflected upon Professor Adams in that report which they have submitted. It would be difficult to find words to express higher appreciation of Professor Adams than those which I have used, and I say now that he has rendered to this subject an aid which is simply invaluable, and I think the gentleman from Michigan can find nothing to which my name is attached, at least, which takes any other view.

Mr. HENRY C. SMITH. I am sure, if I may be permitted to say so, my friend from Massachusetts has used words in praise of Professor Adams superior to any I could use.

Mr. FLEMING. Of course the gentleman does not include in that criticism the minority report which I signed. I agree with Professor Adams.

Mr. HENRY C. SMITH. I whitewash you, too.

Mr. FLEMING. There is no need of whitewashing.

Mr. BURKE of Texas. If you are agreed on the majority and minority reports, I suppose you withdraw.

Mr. LOUD. I do not consider there is anything else I desire to suggest in regard to this.

Mr. SWANSON. I would like to ask the gentleman for information. On page 94 of the proposed bill, in connection with the letter carriers, I am informed that at the conclusion there is a reference to them in the following words:

If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salaries fixed by this act.

I am informed by the letter carriers, or their legislative committee that is here, that they object to the insertion of that, which is a change of existing law. Is that true?

Mr. LOUD. Well, I do not know what the letter carriers want, Mr. Chairman. I will say that we have incorporated here so much of the law relating to eight hours as was adopted in the appropriation bill last year. The letter carriers, or their legislative committee, at that time very earnestly protested against that legislation. I understand that they are very much afraid that it will be changed. We have put, Mr. Chairman, upon the end of that section simply what the United States Supreme Court has held. There is nothing in the preceding language that will prohibit the absolute employment of a carrier for over eight hours a day.

Now, we take up the decision of the Supreme Court and incorporate it in the law, which we think, if this should become law, would save the letter carriers the trouble of going through the lower and the higher courts again to get a decision, if perchance any of them did work over eight hours. I can not see a possible objection. All that is added there is that if they do work more than forty-eight hours, then they shall be paid for it. There is

no objection on the part of the committee, however, if there is any letter carrier or legislator in the country that thinks the carriers should not be paid if they work more than eight hours—there is no objection to having that stricken out.

Mr. SWANSON. I would like to say in that connection the representatives of the letter carriers are of the impression if that language is left it changes the existing law to that extent. If I understand, an effort was made in the House to include it in the House last time, and it went to the Senate. The letter carriers went before the Senate committee, and the Senate left out that language, and it has remained the existing law to that extent; and they are of the impression that if that language remains they will be compelled to work more than eight hours, and that that language might be construed as giving the Department power to compel them to work more than forty-eight hours a week.

Mr. BROMWELL. If the gentleman will allow me, I suggest that in line 24, page 93, the language is specific:

But not in any event exceeding forty-eight hours during the six working days of each week.

How, then, can it be?

Mr. SWANSON. This might modify that. I will ask whether the legislative committee desires in having that included last year, in having it in the special language had last year, that this does not change existing law. The Supreme Court having decided on that matter, I ask that that be left out.

Mr. LOUD. The Supreme Court have determined upon the law then existing. If you reenact this law and the Post-Office Department should refuse to pay them for overtime, then they must necessarily be compelled to seek the avenues of the courts open to them, and involving, necessarily, a large expenditure of money, as was experienced before. But I do not care about that. When we come to the section there is time to take that up.

Mr. SAMUEL W. SMITH. I understood the gentleman to say that when the Post-Office appropriation bill was considered that he would not object to discussion and amendment with reference to the railway mail pay.

Mr. LOUD. I will not. I stated my opinion, and my opinion is that the question should be considered. While I am not the whole House of Representatives, I can say that at that time I will ask the House of Representatives to consider it, and I shall not raise a point of order on that. That is as far as I can go. But debate shall be had on the appropriation bill.

Mr. MADDOX. Will the gentleman yield to me for a question?

Mr. LOUD. I will.

Mr. MADDOX. I would like to ask if this bill was approved by the commission authorized by act of Congress to codify the laws of the United States?

Mr. LOUD. I will state that the criminal and penal portion of this bill was passed upon by the commission, and we made no change in their revision whatever, but accepted it as it came from them.

Mr. MADDOX. You were asked if there was any legislation about eight hours' labor for letter carriers. Have you taken care of the employees who work inside of the office twelve and fourteen hours, and get a great deal less pay?

Mr. LOUD. I will state that we have made no change in existing law in that particular.

Mr. MADDOX. Does not the gentleman think that they ought to have done so?

Mr. LOUD. As I said before, Mr. Chairman, if it fell to my lot to revise the postal laws, they might not be acceptable to any member of this House but myself. I believe there should be a great many changes, but I believe those changes absolutely impracticable at this time and impossible of accomplishment, and hence we have left the law as near what it is at the present as possible.

Mr. MADDOX. The idea I want to suggest is this: The letter carriers have an association and are constantly importuning Congress to do something for them, when, as a matter of fact, the employees inside of the offices, who work many of them twelve hours, and some of them more, and have less pay—we hear nothing from them, and they ought to be provided for.

Mr. LOUD. If the gentleman from Georgia was chairman of the Committee on the Post-Office and Post-Roads, I do not think he would make that suggestion in regard to any employee in the service [laughter], because they have been a nightmare to me a great many years.

Mr. MADDOX. I am not the chairman of the committee, and therefore I am asking these questions.

Mr. LOUD. I am glad that the gentleman has not that part of the duties to attend to.

Mr. LLOYD. Mr. Chairman, I wish to ask the gentleman from California if in the revision of the penal laws they have made any changes?

Mr. LOUD. They have made some changes in the penal provisions.

Mr. LLOYD. Did they leave out some sections, put in others,

and change some of the penalties, or did they add to the schedule of crimes?

Mr. LOUD. I will yield to the gentleman from Texas [Mr. BURKE], who, with Judge McPherson, paid particular attention to the criminal portions of the law.

Mr. BURKE of Texas. I will state that the committee who were charged with the responsibility of framing the penal laws consisted of three members—Judge Culberson, of Texas, Mr. Thompson, of Ohio, and Mr. Botkin, of Montana.

Mr. LLOYD. I am familiar with the personnel of the commission.

Mr. BURKE of Texas. If the gentleman will send for the report of that committee, covering the penal laws pertaining to the Post-Office Department of the Government, he will see what changes have been made. In passing upon that the Committee on the Post-Office and Post-Roads have made no changes whatever in the recommendation of that committee, save and except to modify in several instances the punishment imposed or fixed by the report of that committee.

Mr. LLOYD. Your committee has done that?

Mr. BURKE of Texas. That is all.

Mr. LLOYD. The revision committee has made several changes also.

Mr. BURKE of Texas. I am not prepared to say about that, for I have not compared them carefully enough to answer the gentleman. There have been no changes; it is simply a codification of the postal laws, both penal and civil.

Mr. LOUD. That is all I have to say, Mr. Chairman, and I ask that the bill be now read by sections.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That there shall be in the Post-Office Department four Assistant Postmasters-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed by the President.

Mr. GAINES. Mr. Chairman, I would like to make an inquiry of the chairman. He says there is no new law in the codification or the recodification of the existing law. Inasmuch as the free rural delivery system is rather a new system, I would like to ask if the committee has made any law controlling the regulation of that system?

Mr. LOUD. We have not. That would be wholly impracticable, as it is a question that would require two or three months' close investigation. We did not take that matter up.

Mr. GAINES. In view of the fact that it is a new departure and that it would necessitate new law, I wished to be certain upon that point.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. In section 2 I find a provision for the appointment of four Assistant Postmasters-General, who shall be appointed by the President, "by and with the advice and consent of the Senate." Is there any constitutional reason why there should be in the bill "by and with the consent of the Senate?"

Mr. LOUD. I do not know; it is the present law. All the change there is in that is that we provide for an additional Assistant Postmaster-General.

Mr. HEPBURN. Mr. Chairman, I withdraw my formal amendment, and move to strike out those words.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 2, lines 1 and 2, strike out the words "by and with the advice and consent of the Senate."

Mr. LOUD. Does the gentleman from Iowa wish to discuss his amendment?

Mr. HEPBURN. I have no particular desire to discuss it, but I can see no reason for it. It increases the power of one branch of the Legislature to pass it at the expense of the Executive. It gives the Senators an additional control over appointments. It enables them to hold up the President of the United States, to coerce from him appointments that may be pleasing to them, and I think that except where there is a constitutional requirement it is unwise to transfer that power of appointment from the Executive to the Senate. It is an undue and unnecessary increase of their power. It tends to separate the two Houses and to comparatively enlarge the power of a Senator. Therefore I am opposed to it.

Mr. BARTLETT. I would like to call attention to section 2 of Article II of the Constitution upon this subject, which provides that the President shall have the power, by and with the advice of the Senate, among other things, to appoint officers—

all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Mr. HEPBURN. I did not think there was any constitutional

requirement in this matter; and I felt more positive on the point from the fact that the next clause of the bill authorizes the appointment of Assistant Attorneys-General without the intervention of the Senate.

Mr. GAINES. In view of the fact that in the absence of the Postmaster-General the First Assistant Postmaster-General takes his place, and so on down, and in view of the fact that the appointment of the Postmaster-General, for whom any of these assistants may act, is confirmed by the Senate, would there not be just as much reason for the power of the Senate extending down even to the Fourth Assistant Postmaster-General as for requiring confirmation by the Senate in the case of the First Assistant Postmaster-General?

Mr. HEPBURN. It seems to me not.

Mr. LOUD. If this were a revision of all the laws, I can understand that it might possibly be advisable to adopt the suggestion of the gentleman from Iowa. I do not, however, commit myself on that point. I simply say in reply to the gentleman that as all other officials of a similar character—Assistant Secretaries of the Treasury, Assistant Secretaries of State, Assistant Secretaries of the Interior, and assistant heads of Departments all along the line—are now appointed in exactly the same way as in this case, I do not think it would be wise to make any exception here.

Mr. BARTLETT. If we are going to take away from the Senate the right to confirm these appointments, ought we not to go further and permit the President, without the advice of the Senate, to appoint first-class postmasters? Is there not more reason that the appointment of an Assistant Postmaster-General should receive the confirmation of the Senate than the appointments of the various postmasters throughout the country?

Mr. LOUD. I hope the amendment will not be adopted.

The question being taken on the amendment of Mr. HEPBURN, it was rejected; there being on a division—ayes 10, noes 37.

The Clerk read section 4.

Mr. LOUD. I move to amend by inserting, after the words "one chief of the finance division," in line 16, page 3, the words "one chief of the appointment division."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the Postmaster-General may prescribe regulations, not inconsistent with law, for the government of the Post-Office Department and the postal service, the conduct of the officers, clerks, and other employees therein, the distribution and performance of the business, duties, and service devolving upon, and the custody, use, and preservation of all records, papers, and property appertaining to, said Department and service.

Mr. LLOYD. I would like to inquire what words there are in this section which are not in the existing law?

Mr. LOUD. This section simply authorizes the Postmaster-General to prescribe regulations not inconsistent with law for the government of the Post-Office Department and the postal service.

Mr. LLOYD. I understand that this section in some of its language differs from the existing law. I would like to know what are the words that make that difference?

Mr. LOUD. I can not say that there are any changes of existing law. This is a repetition of section 161 of the Revised Statutes.

Mr. BROMWELL. Except that the Postmaster-General is empowered to prescribe regulations for the government not only of the Post-Office Department but of "the postal service."

Mr. LLOYD. I understand from the report that the added words are "and the postal service." Why add those words? Is not the postal service a part of the Post-Office Department?

Mr. LOUD. The Post-Office Department is located here in Washington. This section uses the technical names applied to the Department and to the service. I have no doubt that the Postmaster-General has now the power defined in this section. We simply desired to make it a little more explicit.

Mr. LLOYD. Are we to understand that "the Post-Office Department" applies only to the building and employees here in Washington, and that "the postal service" has reference to the service all over the country?

Mr. LOUD. Yes, sir.

Mr. LLOYD. Then "the postal service" is the broader term.

The Clerk read as follows:

SEC. 14. That the Postmaster-General may appoint 15 post-office inspectors in charge, who shall be assigned to duty at such important points as he may designate, and who shall each receive a salary at the rate of \$2,500 per annum, and shall be paid their actual expenses while traveling on the business of the Department.

Mr. LLOYD. I wish to ask the chairman of the committee how many new offices are created by this section?

Mr. LOUD. I believe there are no new offices; the last appropriation bill provided the number of these offices. This section does not provide for any additional number.

Mr. LLOYD. I understand from the report that there are now only 14 of these post-office inspectors. Thirteen divisions and one officer in charge over the divisions would make 14. This bill provides for 15.

Mr. LOUD. One division has been necessitated by the acquisition of Hawaii. There has been a division created there.

Mr. LLOYD. That explains it. Then when this bill becomes a law we shall have an inspector for Hawaii in addition to those provided for by the old law?

Mr. LOUD. Yes, sir.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read section 16, as follows:

SEC. 16. That the Postmaster-General may appoint such number of post-office inspectors as he may deem necessary, not exceeding the number authorized by appropriation, who shall receive a salary at the rate of \$2,250 or \$2,000 each per annum, and shall each be allowed only their actual expenses while traveling on the business of the Department.

Mr. MADDOX. Mr. Chairman, I move to strike out the last word.

If I can get the attention of the chairman of the committee for a moment, it seems to me that the sixteenth section conflicts with the fifteenth section in some ways. I do not exactly understand what it means.

In addition, I notice from the reading of the report of the committee, that the law provides now that the Postmaster-General is authorized to appoint 15 post-office inspectors, at a compensation of \$2,000 per annum, without per diem. In this bill you propose to give him authority to appoint as many of these inspectors as he pleases, at a salary of \$2,000 and \$2,250 per annum, with traveling expenses.

Mr. LOUD. Such appointments, of course, are subject to the provisions of the appropriation bill.

Mr. MADDOX. This also embraces the per diem pay.

Mr. LOUD. Certainly.

Mr. MADDOX. But the appropriation bill must follow the law, and if you make this the law then your appropriation must conform to the law.

Mr. LOUD. Section 15 of the bill permits the Postmaster-General to appoint such number of inspectors as he shall deem proper for the good of the service and the safety of the mails, and section 16 provides that he may appoint such number of post-office inspectors as he may deem necessary, but not exceeding the number authorized by the appropriations. He can not exceed that. The only number that he can appoint is the number that will be authorized by the appropriation at a salary of \$2,250 per year. We have been providing for these inspectors in the appropriation bills for a number of years past, and the committee makes a specific appropriation for the number that the Postmaster-General recommends as necessary.

Mr. MADDOX. What I wish to call the attention of the chairman to, however, is the seeming conflict between these two sections. Now, according to the report of the committee, the Postmaster-General is limited by law to an appointment of 15 inspectors, and yet you allow him by this provision of the bill to appoint as many as he pleases.

Mr. LOUD. Oh, no. The gentleman has confounded the regular post-office inspectors with the appointments which may be made by the Postmaster-General subject to the provisions of the appropriation bill. It has been the custom for years past to appoint these inspectors in such numbers as may be necessary to meet the requirements of the Department, and the Appropriation Committee regulates the number by limiting the appropriation to what they regard as the number required.

When it comes to the appropriations for the \$2,250 a year inspectors, without per diem, the bill provides specifically for the number that he shall appoint. The number of regular \$1,600 inspectors, of course, is variable. Sometimes it may be 150, sometimes 160, sometimes 175, and the committee can not determine in advance what the number is to be. That is dependent upon the requirements of the service at the time the appropriation bill is passed. Of course, when you come to these inspectors who receive \$2,000, and those who receive \$2,250 a year, without per diem, there can not be an increase in any one year of exceeding 1, 2, or 3 at the most, and the Post-Office Committee, in the preparation of the postal appropriation bill, makes provision for the specific number that may be required by the Department.

Mr. MADDOX. The report says that under the present appropriation act the Postmaster-General is authorized to appoint 15 post-office inspectors at \$2,000 each per annum, without per diem pay. This last section of the bill provides that he may appoint such number of inspectors at \$2,000 as he may deem necessary, not exceeding the number authorized by the appropriation act. So it evidently leaves the matter in his discretion as to the number of appointments.

Mr. LOUD. Not at all. This is, of course, subject to the terms of the appropriation bill. We appropriate every year for a specific number of these inspectors. The Postmaster-General can not exceed that number; so that if the committee, in making up the appropriation bill, determines to reduce the number to 10 he can only appoint 10. I think it is wise legislation and ought to be adopted.

Mr. MADDOX. I should like to ask the gentleman, further, if this takes these appointments out of the civil-service rule?

Mr. LOUD. By no means.

Mr. MADDOX. Although I suppose that would make no difference.

Mr. LOUD. Oh, no.

Mr. BARTLETT. Section 14 of this bill gives the right to the Postmaster-General to appoint 15 post-office inspectors, who shall be assigned to duty at such important points as he may designate. Now, these appointments are made at the present time, when a vacancy occurs, from the civil service. What modification or change is contemplated by this bill?

Mr. LOUD. The civil-service law is a law entirely outside of this act. This has no effect upon it whatever.

Mr. BARTLETT. I understand that—

Mr. LOUD (continuing). Section 14 has been the law for many years. The gentleman knows, of course, that the President extended the civil-service law to embrace a large number of these employees.

Mr. BARTLETT. Certainly; I understand that. But this law, without any reference to the civil-service law, being passed since the enactment of the civil-service law, might be construed to allow these appointments to be made outside of the civil service.

Mr. LOUD. I do not think so. These employees are now provided for under the law, and there will be no change in their appointment so far as that is concerned. Of course, if the President desired to revoke the order he could do so to-morrow.

Mr. BARTLETT. But if Congress passed a law giving to the Postmaster-General the authority to make these appointments without specific reference to the civil-service law, and if the President approved it, it would be a recognition of the right of Congress to make these appointments, or to authorize them to be made, outside of the law.

Mr. LOUD. Well, this law does not touch the civil-service question at all. That is an order of the President. The gentleman understands that. We can not prescribe here in each section that this man shall be within the classified service. It would be wholly impracticable.

The CHAIRMAN. Does the gentleman from Georgia withdraw his amendment?

Mr. MADDOX. Yes.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On January 16, 1901:

H. R. 12740. An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census; and

H. R. 12395. An act to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas.

On January 17, 1901:

H. R. 5117. An act granting a pension to Roland Burnett;
H. R. 1734. An act granting a pension to Mary A. Whitmore;
H. R. 5855. An act granting a pension to Lurinda Laughlin;
H. R. 9108. An act granting a pension to Maria H. Hixson;
H. R. 10785. An act granting a pension to Thomas White;
H. R. 2752. An act granting an increase of pension to Edmund P. Tierney; and
H. R. 10062. An act granting an increase of pension to Harriet Crottsenburg.

CODIFICATION OF POSTAL LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 25. That before entering upon their duties, and before they shall receive any salary, the Postmaster-General and all persons employed in the postal service shall respectively take and subscribe the follow oath or affirmation.

"I, A. B., do solemnly swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me and abstain from everything forbidden by the laws in relation to the establishment of post-offices within the United States, and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control;

"And I also further swear (or affirm) that I will support the Constitution of the United States; so help me God."

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from California if he intends to make the latter clause applicable to Porto Rico and the Philippine Islands?

Mr. LOUD. I suppose so. I suppose it will take in all the employees of the United States. This is simply the present statute.

Mr. RICHARDSON of Tennessee. The gentleman understands, then, that the Philippines and Porto Rico are a part of the United States?

Mr. LOUD. Well, we discussed that question at some length last fall. I do not care to renew the discussion now.

Mr. RICHARDSON of Tennessee. I simply wanted the opinion of the chairman on it.

Mr. LOUD. I am waiting for the decision of the Supreme Court on the Porto Rico case. Then I will venture an opinion of my own, perhaps.

The Clerk read as follows:

SEC. 40. That the Postmaster-General may, in cooperation with the Secretary of Agriculture, arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, etc., to be furnished by the Chief of the Weather Bureau.

Mr. WM. ALDEN SMITH. Mr. Chairman, I desire to offer an amendment to section 40, to add after the word "mail," in line 4, the words "including conveyances used by carriers in rural free-mail service."

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 17, in section 40, line 4, after the word "mail," insert "including conveyances used by carriers in rural free-mail service."

Mr. WM. ALDEN SMITH. Mr. Chairman, I have read this section with some care, and I do not believe that the proposition which I have in mind is covered by the section. The conveyances used by the carriers in the rural free-delivery service are their own conveyances. They are usually wagons owned by the carriers. It seems to me that an amendment of this kind would be of the utmost importance to the farming communities traversed by these carriers of rural mail. For instance, a carrier leaving a post-office at a given time in the morning furnished with the weather bulletins of the weather predictions for that day would be most advantageous information and a warning and notice to every farmer living on the line of that rural delivery of the character of the weather expected within twenty-four hours.

Mr. BURKE of Texas. Would he not have authority now to do that under existing law just as it is?

Mr. WM. ALDEN SMITH. Under this section?

Mr. BURKE of Texas. Yes.

Mr. WM. ALDEN SMITH. Well, perhaps so. I would very much like to have the construction of the gentleman from Texas, a member of the committee.

Mr. BURKE of Texas. There is no doubt about it.

Mr. LOUD. That is correct.

Mr. WM. ALDEN SMITH. I thank both the gentleman from Texas and the gentleman from California for this information, and in this connection will say, the section would be absolutely useless if he was not furnished with flag signals. I suppose that would be a matter for the appropriation bill to carry later.

Mr. BURKE of Texas. Yes.

Mr. WM. ALDEN SMITH. But, with the suggestion of the chairman of the committee and the gentleman from Texas that this section is intended to include rural mail service, I have no disposition to press the amendment further.

Mr. LOUD. Why, it necessarily includes all service, so that it ought not to be made mandatory as to one branch of it.

Mr. WM. ALDEN SMITH. Mr. Chairman, I would ask the gentleman from California [Mr. LOUD], in charge of the bill, if the section is mandatory now or merely permissive?

Mr. LOUD. It is permissive.

Mr. WM. ALDEN SMITH. Is there any objection to making it mandatory?

Mr. LOUD. I do not think it would be wise to make it mandatory. I think that we are progressing in that direction by general consent as rapidly as we should. At least it should not be made mandatory regarding one branch of the service. Some of these carriers may go on foot, some may go on bicycles, some may go in wagons.

Mr. WM. ALDEN SMITH. Yes.

Mr. LOUD. I do not think it wise for us to put a provision on here at the present time, particularly in view of the fact that this is yet in the experimental stage.

Mr. WM. ALDEN SMITH. Does the gentleman from California recognize the fact that this service would be very helpful to the communities traversed by rural free-delivery carriers?

Mr. LOUD. I think it will be done as fast as is practicable. I am satisfied that it will.

Mr. WM. ALDEN SMITH. Instead of the word "may," in line 1 of section 40, I should like very much to have the word "shall," but I do not wish to press it against the objection of the committee in charge of the bill.

Mr. LOUD. I do not think it is wise. I will say to the gentleman that we are progressing in that direction as fast as is consistent, and I do not think it should be mandatory. I hope the gentleman will not insist upon that.

Mr. WM. ALDEN SMITH. I have been deeply impressed with the importance of this feature of the bill proposed in section 40. I believe that nothing could be done that would please the farmers

of this country more than to give them the advantages of these weather predictions, which have now attained so high a standard in the Department and throughout the country. It would be exceedingly helpful to him if weather forecasts could be given the farmer as they are given the mariner and business man. I can not too strongly urge in the appropriation bill that shall follow the enactment of this law that there may be some provision made whereby the rural carrier, through rural communities, may be furnished with these signals that he may display from day to day, thus enabling the farmer to make reasonable calculations in his daily work in accordance with the progressive information of science and experience. Large undertakings are now entered upon with this advanced information. Why not favor the agriculturalist as we do other classes of our business community when his vocation depends so much upon the weather?

Mr. COWHERD. Will the gentleman yield to me for a moment?

Mr. WM. ALDEN SMITH. If I have the time, certainly.

Mr. COWHERD. I would like to suggest to the gentleman that I have been informed, and I am not positive whether I am correctly informed, that that very matter is under consideration by the Agricultural Committee at this time.

Mr. HAUGEN. An appropriation has been recommended by the Committee on Agriculture.

Mr. WM. ALDEN SMITH. I am informed by the gentleman from Iowa that an appropriation has been recommended by the Committee on Agriculture.

Mr. COWHERD. That was my understanding.

Mr. WM. ALDEN SMITH. I simply wished to emphasize its importance, and do not wish to embarrass the committee by pressing my amendment now.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 13599) to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. R. 134. Joint resolution relating to leaves of absence granted officers of the Army; and

S. 5119. An act granting a pension to Jessie A. Bruner.

CODIFICATION OF POSTAL LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 42. That whoever, without authority from the Postmaster-General, shall set up or attempt or claim to keep any office or place of business bearing the sign, name, or title of post-office; or whoever, not being duly appointed a postmaster or other officer or employee of the postal service, shall establish or maintain, in any city, town, village, borough, or place at which a post-office has been or may hereafter be established, any office or other premises at, through, or from which mail matter shall be delivered or received for delivery or mailing, or at which boxes for the delivery of such mail matter shall be leased, rented, or sold; or whoever, not being authorized as hereinbefore mentioned, shall establish or maintain in any such city, town, village, borough, or place any such office or premises, as aforesaid, and for pay or hire, or otherwise, deliver or receive thereat for delivery any mail matter, or shall lease, rent, sell, or permit the use of boxes for the delivery of such matter, shall for every such offense be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both such imprisonment and fine: *Provided*, That nothing in this section shall be construed to forbid the delivery, or the receipt for delivery, of letters addressed to the office of any newspaper or periodical of the second class and intended for advertisers therein.

Mr. LLOYD. Mr. Chairman, I wish to ask the chairman of the committee a question in regard to this section. I notice on the top of page 18, line 2, it provides that if persons put up mail boxes at their own expense, the fact that they have done so subjects them to fine or imprisonment under this bill. Now, I want to inquire if the individual who puts up a mail box along a star route on his own account would lay himself liable to the provisions of the section?

Mr. LOUD. I do not think anybody would be subject, unless he put up a post-office for receiving mail and distribution of mail. He would not be permitted to put up a private box and have it for everybody's mail.

Mr. LLOYD. It is a new provision, is it not?

Mr. LOUD. It is a provision made by the commission.

Mr. LLOYD. The effect is upon the individual who shall put up a private box. The sole purpose is to prevent individuals from putting up private boxes which shall be used in competition with a public box. Now will that apply to the individual living along the star route?

Mr. LOUD. Oh, no.

Mr. LLOYD. There are numbers of farmers who live along star mail routes who have boxes put up, and sometimes the mail of as many as five or six neighbors will be placed in one box. Now, as I understand this section, it would apply to them, under the word "otherwise." It seems to me that this section ought to be amended by leaving out the words "or otherwise." Now, if an individual puts up a box, and seeks to obtain pay or hire for that box from those who may use it, I think it is proper enough to discontinue that; but, as I read this section, it will operate as a very great disadvantage to those who get the benefit of private boxes along the star routes.

Mr. LOUD. I do not know whether the words "or otherwise" amount to anything or not; but I do not think that the language should be read with the stops which the gentleman puts in. I should think it should be read, "or place any such office or premises, as aforesaid, and pay for hire, or otherwise deliver or receive thereat for delivery any mail matter." That is the way it should be read. That is the way it is punctuated.

Mr. LLOYD. It seems to me "for pay or hire, or otherwise." I noticed that when it was read by the Clerk he read it that way. I think it was a pretty good indication of how it could be construed, as it was read that way by the reading clerk.

Mr. LOUD. It was not read as punctuated.

Mr. LLOYD. The word "otherwise" does not, according to your view, have any significance. It does not accomplish any object. Why not leave it out.

Mr. LOUD. I should hate to put myself up against this commission on a question of grammar.

Mr. BARTLETT. As I understand, the gentleman from Missouri objects to the use of this word because it might operate to the injury of those who have boxes along star routes. Anybody can have a box along a star route under authority from the Postmaster-General, and it is provided that it shall be according to regulations promulgated by the Postmaster-General last year. That is my understanding.

Mr. LOUD. That is true.

Mr. LLOYD. That may be a regulation by the Department, but it is not the law, except so far as the Postmaster-General is allowed to make regulations under the law. Now, if you provide that an individual can not put up a private box, then that would contradict the regulation made by the Post-Office Department and the individual would be subject to fine.

Mr. LOUD. The only effect of this section would be on those who put up these boxes for pay or hire. That is the way to read the section.

Mr. LLOYD. I am inclined to think that may have been the intention, but it may be subject to misconstruction. I think you ought to leave out the word "otherwise." I move to amend the section by leaving out the word "otherwise," in line 2, at the top of page 18.

Mr. LOUD. I am not insistent about it. I do not think it is material.

The Clerk read as follows:

Page 18, line 2, after the word "hire," strike out the words "or otherwise."

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. LLOYD. Division, Mr. Chairman.

The Committee divided; and there were—ayes 26, noes 37.

So the amendment was rejected.

The Clerk read as follows:

SEC. 45. That postmasters of the first, second, and third classes shall be appointed by the President, by and with the advice and consent of the Senate, and may be removed by the President, and shall hold their offices for four years unless sooner removed or suspended according to law. And postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

Mr. HEPBURN. Mr. Chairman, I move to strike out, in lines 2 and 3, on page 19, the words "by and with the advice and consent of the Senate."

Mr. LOUD. Mr. Chairman, I hope the gentleman will not make that motion. If he inserts a provision of this kind, the gentleman knows that it can not become a law. It is an entire change of law so far as the Postal Department is concerned. This is a provision which has been in force a great many years, and while everybody may have ideas of his own, we ought to get at that matter in a different way, if possible.

Mr. HEPBURN. Mr. Chairman, if I may be permitted, I think that the time to attack an evil is when it is before you. I can see no reason why this might not be done at this as well as another time. I do not see why the consent of the United States Senate should be asked to the appointment of third-class postmasters. To my mind it is an absurdity. The fact that it may not be successful at this time is not a reason for our failure to attempt it. Under the pressure of public opinion the time will come when it will be modified, and that opinion can not be invoked, and that power can not be set in motion until people begin to think about

it; and you can not attract the attention of the public to it in any better way than by attempting, at least, this change.

Mr. LOUD. Let me make a practical suggestion to the gentleman. I suggest that this bill may become a law if there is nothing objectionable put upon it, and it can not become a law if there is. If these amendments are put upon it, it may indicate the opinion of the House of Representatives, but it will prevent the Committee on Post-Offices and Post-Roads from taking it up.

Mr. HEPBURN. I do not care to argue the matter further, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 46. That the Postmaster-General is authorized to suspend any postmaster, for any cause which to him may seem sufficient, for a period not exceeding six months; and he may also direct post office inspectors to temporarily suspend postmasters for a time sufficient to report their action to him for his confirmation or disapproval.

Mr. WM. ALDEN SMITH. Mr. Chairman, I want to ask the gentleman from California if this is a change from the present law.

Mr. LOUD. It is.

Mr. WM. ALDEN SMITH. Does it not seem a little drastic to give an inspector the right to suspend a postmaster without a hearing being permitted to meet any charge against him?

Mr. LOUD. The section does not permit the inspector to suspend the postmaster.

Mr. WM. ALDEN SMITH. It says that he may temporarily suspend him.

Mr. LOUD. Until he gets his directions through the Post-Office Department.

Mr. WM. ALDEN SMITH. Yes; but he may wire the Department that there is something against the postmaster.

Mr. HEPBURN. This is done every day, and you could not get along without doing it.

Mr. LOUD. It is only a temporary suspension, and then the inspector gets his instructions from the Department.

Mr. WM. ALDEN SMITH. If the gentleman thinks it gives the postmaster all the rights he is entitled to, I have no disposition to press any amendment.

Mr. LOUD. I think so.

Mr. McCLEARY. The suspension may be one hour, one day, or a week.

Mr. WM. ALDEN SMITH. Yes; but it might reflect upon the man for the rest of his life.

Mr. SPERRY. Mr. Chairman, I would like to ask if there is a change in this provision as to the suspension of the postmaster for six months.

Mr. LOUD. It is an entirely new section.

Mr. SPERRY. It seems to me six months is a long time.

Mr. LOUD. This puts a limit of time upon it; you can not suspend him for a longer period than six months.

Mr. SPERRY. It seems to me that three months would be better.

Mr. LOUD. I think it would be safe to place this power in the hands of the Postmaster-General, and it will be wisely carried out. That is the way the committee felt about the matter.

Mr. SPERRY. Has the gentleman any objection to changing it to three months?

Mr. LOUD. I want to suggest to the gentleman from Connecticut that a thorough investigation could not be completed in many cases in three months, and that is why we made it six months. I hope the gentleman will not press any amendment.

Mr. BROMWELL. I want to say to the gentleman from Connecticut, Mr. Chairman, that the limit was suggested by the Assistant Attorney-General for the Post-Office Department, who has had a great deal of experience in charges against various postmasters, and he thought this limit was necessary.

Mr. SPERRY. Well, Mr. Chairman, I will not press the matter, but I think three months is long enough.

The Clerk read as follows:

SEC. 48. That every postmaster, before entering upon the duties of his office, shall give bond to the United States in such form and penalty and with such security as the Postmaster-General shall prescribe. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the Auditor for the Post-Office Department. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office, as if she were sole.

Mr. MADDOX. Mr. Chairman, I want to call the attention of the chairman of the committee to a provision of this section of the law. This section provides now that the penalty of the bond shall be left to the discretion of the Postmaster-General. That is to say, as I understand it, the Postmaster-General, instead of requiring, or instead of the law requiring, the postmaster to give a bond as prescribed by law, he is required to give a bond prescribed by the Postmaster-General; in other words, the Postmaster-General can prescribe certain conditions for John Smith in California and another for Tom Jones in Georgia. It seems to be absolutely in his discretion to do as he pleases.

Mr. LOUD. I do not think he would be permitted to prescribe one bond for John Smith in California and another bond for Tom Jones in Georgia.

Section 48. This section provides that all postmasters shall give bond in such form and penalty and with such security as the Postmaster-General shall prescribe. The present law recites the conditions that shall be incorporated in the bonds of postmasters. It is thought best to leave this matter to the discretion of the Postmaster-General.

It thus appears, as stated by the committee, that "the present law recites the conditions that shall be incorporated in the bonds of postmasters;" but the committee now propose to leave entirely at the discretion of the Postmaster-General the question what shall be the conditions of the bond. Now, is that a wise amendment to the law? Why should not Congress itself prescribe the conditions and let every postmaster who gives bond conform to them?

Mr. LOUD. Has the gentleman in his mind any form of section?

Mr. MADDOX. Yes, I have. I would propose to make the language read, "shall give bond to the United States in such form and penalty as may be prescribed by law."

Mr. LOUD. If we amend the section as the gentleman proposes, the law will not prescribe anything. The present law does prescribe a form of bond.

Mr. MADDOX. I again call the attention of the gentleman to the language of the report: "The present law recites the conditions that shall be incorporated in the bonds of postmasters." This section of the bill proposes to make a change by leaving this matter entirely in the discretion of the Postmaster-General. Why not leave the present law as it is?

Mr. LOUD. But there will be no provision of law unless we put a provision in here.

Mr. MADDOX. I propose to put it here.

Mr. RICHARDSON of Tennessee. As I understand the gentleman from California, the adoption of this section would repeal existing law on the subject.

Mr. LOUD. Oh, yes. The bill contains a repealing provision.

Mr. RICHARDSON of Tennessee. Might we not provide that the present provision of law on this subject shall not be repealed?

Mr. BROMWELL. I suggest to the gentleman from Georgia [Mr. MADDOX] that we can probably attain what he is aiming at, without seriously crippling the intent of this section, by inserting two or three words. The gentleman knows, of course, that the amount of the bond must be largely in the discretion of the Postmaster-General, being regulated by the amount of money coming into the hands of the postmaster.

Mr. MADDOX. I admit that.

Mr. BROMWELL. Now, we all know that bonds are always construed very strictly. If any condition which ought to be in the bond is not there, no favor is shown to the party suing upon the bond; he is required to stand strictly upon the letter of the bond; he gets his pound of flesh, but not one drop of blood.

Now, the idea of the committee was that, in view of the inelasticity in the form of any bond which might be prescribed by law, a little discretion might properly be given to the Postmaster-General to modify the particular form of bond so as to secure greater rights to the United States in the enforcement of the penalty of the bond. If the gentleman would insert after the word "prescribed" the words "by general regulation," I think that would cover the case.

Mr. BARTLETT. If this section should be adopted the Postmaster-General, instead of taking a personal bond, as now required by law, might prescribe that the bond of an indemnity or security company should be accepted.

Mr. BROMWELL. That is already provided for in the general statutes.

Mr. BARTLETT. But he might prescribe the particular company by which this bond should be given.

Mr. BROMWELL. Oh, I think not. Of course we must construe any amendment of this law with the idea that the public officer charged with its execution is going to discharge his duty—not violate it. There is always a certain amount of discretion vested in a public official, and the presumption of law is that he will do his duty.

Mr. MADDOX. What amendment does the gentleman suggest?

Mr. BROMWELL. I suggest that if an amendment be insisted upon we might insert after the word "prescribed" the words "by general regulation." Then the Postmaster-General could issue a general form of bond; but of course the amount of the bonds would have to correspond with the varying amounts of the receipts coming into the hands of the different postmasters.

Mr. MADDOX. As I understand, that would not change the proposition at all except—

Mr. BROMWELL. It would provide uniformity in the form of the bonds.

Mr. MADDOX. But it seems to me that the other form of amendment would be best—

In such form and penalty as now prescribed by law.

Mr. BROMWELL. The gentleman from Georgia does not seem to apprehend the point of the gentleman from California. This act, if we pass it, will repeal all existing laws upon the subject of the Post-Office Department and the postal service. Does not the gentleman see that if we provide in this section that the Postmaster shall furnish such bond "as now prescribed by law," we must in this codification go ahead and prescribe a form; otherwise there will be no form provided by law, and your action in this section will be entirely nugatory.

Mr. MADDOX. What, then, is the suggestion of the gentleman from Ohio in this respect?

Mr. BROMWELL. I would only insert the words "by general regulation."

That, I think, would cover the whole ground, and that would prevent any form of discrimination in the form of these bonds, which should be uniform throughout the country. I do not regard it as at all necessary or even desirable to make the change. But no harm can come of it, and if it meets the objections which have been urged against this particular provision of the bill, I shall not object to it.

Mr. MADDOX. I certainly differ with my friend from Ohio with respect to that. I think it does make a very material difference. I do not think it wise to leave the statute in this condition. It needs an amendment, and that amendment should be applied while we are codifying the laws.

But in all probability the amendment the gentleman from Ohio suggests would create uniformity and regularity in the preparation and form of these bonds, and perhaps there could be no exception to it. It would at least be an improvement upon the present plan. But I do say that it is a dangerous power to leave in the hands of any one man, to give him the privilege of saying what shall be the bond, the penalty or the form of the bond, for postmasters all over the country, unless we make the form of that bond uniform by our laws. It seems to me the committee ought to be willing to accept the suggestion the gentleman from Ohio makes therefor, which I think will be an improvement and make the law at least uniform.

Mr. LOUD. I have no objection to the amendment.

Mr. BROMWELL. Then, Mr. Chairman, I will offer that amendment—to insert after the word "prescribe," in line 3, in section 48 of the bill, the words "by general regulation."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Ohio.

The Clerk read as follows:

Page 20, line 3, after the word "prescribe," insert the words "by general regulation."

The amendment was considered, and agreed to.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to call the attention of the committee to another defect which occurs to me in this section, and that is with reference to the last clause of the section, which provides that the bond of any married woman who may be appointed postmaster shall be binding on her and her sureties and she shall be liable for misconduct in office as if she were sole.

In some of the States of the Union married women are protected by the State laws. They can not make contracts in some of the States under the law, and are placed under disabilities in that regard just as if they were infants. Now, do you think it possible for Congress, in this way, to repeal a State law where the very object of the law is to put a woman under the disability of coverture?

This law, if it shall be enacted by Congress, will change the law in some States, and those persons who accept appointments under the law will occupy a different position with reference to the State laws than married women living in the State under ordinary conditions. The language of this law absolutely abrogates the law of many of the States passed expressly to prevent a woman from making a contract.

Mr. LOUD. Does the gentleman from Tennessee believe that any person should be appointed postmaster who can not comply with the law?

Mr. RICHARDSON of Tennessee. No; I am not complaining of that. But I am simply calling attention to the fact that by an act of Congress you are repealing the State act or the State law which places this disability upon a woman, which has been deemed advisable in a great many of the States of the Union, and making the State law subordinate to the United States law where these appointments are made.

Mr. LOUD. This repeal of the State law affects bonds and contracts of this character only so far as it applies to persons in the employment of the United States.

Mr. CURTIS. And only in regard to acts officially performed in carrying out their duty under the law. It does not apply to obligations under the State laws, but to duties required to be performed under the Federal law.

Mr. RICHARDSON of Tennessee. I shall not interpose objection to the provision in the bill, nor shall I offer an amendment.

But it strikes me that it is radical legislation affecting the right of married women to make contracts in many of the States. But the constitutionality of it can be tested if anyone desires. It will be time enough if anyone seeks to avail herself of the provisions of the State law to test that question. I will make no suggestion of an amendment to the provisions of the bill.

Mr. BROMWELL. Mr. Chairman, I had supposed when the gentleman from Tennessee arose that he was going to question the word "postmaster" as applied to a woman in this section. There is some little doubt as to whether or not that ought not to be "postmistress."

Mr. RICHARDSON of Tennessee. Oh, no; I think not.

Mr. BROMWELL. But I do not think it affects the question at all.

Mr. RICHARDSON of Tennessee. Of course if a married woman accepts the appointment she becomes or fills the office of postmaster, under the law.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 54. That the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General from their respective quarterly returns, or copies or duplicates thereof, required to be made as provided in this act, for four quarters immediately preceding the adjustment, at the following rates, namely:

Mr. SPERRY. Mr. Chairman, I should like to ask the chairman of this committee about the provision on page 24, beginning in line 20, which reads as follows:

The fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices and fees on special-delivery matter delivered, amounts to less than \$1,000.

Is that a change of the existing law, or is it the existing law?

Mr. LOUD. Section 53 is the existing law.

Mr. SPERRY. Well, I would say that it seems to me that under the money-order business the postmaster is responsible for a good deal of money, and in relation to special-delivery letters I do not know why he should be excluded, why he should not have the advantages of that.

Mr. LOUD. I will say to the gentleman that each postmaster gets all the fees. You will find in another section here that the postmasters are the parties who get all the fees. The postmaster either delivers the letters himself or hires some one to do it.

Mr. SPERRY. I know, but it speaks of his annual compensation exclusive of commissions. That is what I have reference to. You say it is the existing law?

Mr. LOUD. It is the existing law.

The Clerk read section 54.

Mr. SPERRY. Mr. Chairman, I should like to ask the chairman of the Committee on the Post-Office and Post-Roads if there have been any changes in that section?

Mr. LOUD. No changes whatever in this section.

Mr. SPERRY. I simply ask these questions, Mr. Chairman, because I want the House to understand that the Post-Office Committee as a committee have never considered this bill. It was taken charge of by a subcommittee and permission was asked by Chairman LOUD to introduce this codification, giving to each of the members of the Postal Committee the right to discuss it, or to take such course as he might see fit in the discussion upon the floor of the House. I deem it important that the members should understand that this bill never has passed the Post-Office Committee as a whole.

Mr. LOUD. Mr. Chairman, that is a reflection which I can not permit to pass.

Mr. SPERRY. I did not intend it as such. I gave it as a matter of fact.

Mr. LOUD. It may be a matter of opinion what is a reflection, in the mind of some people. But permit me to contradict the gentleman.

Mr. SPERRY. All right; you have a right to contradict.

Mr. LOUD. This bill was considered by a subcommittee and presented to the full committee.

Mr. SPERRY. It never was considered by the full committee.

Mr. LOUD. Wait one moment. The full committee determined that they did not have the time, neither did they have the desire to take up this bill section by section, and the committee itself has had everything possible to say about this bill that it desired to, and nothing has been assumed by the chairman of the committee or the subcommittee except what was regularly delegated to them by the unanimous action of the full committee. Whether the gentleman from Connecticut [Mr. SPERRY] was there when that action took place or not I do not know. I know that this committee spent some two months on this bill, and when it was presented to the full committee, having faith, I suppose, in the subcommittee which was selected, they said they did not desire to take up the bill section by section, and the chairman was authorized to report it.

Mr. SPERRY. Mr. Chairman, I think the gentleman has made good my remarks. I stated that it had never been considered by the whole committee, and the gentleman has acknowledged that to be the fact. I did not intend any reflection upon the committee, but I wish the House to understand that the committee as a whole had not gone over this bill, but simply gave the chairman the power (as we had not the time) to report it to the House.

Mr. LOUD. If you had stated that at first, I never should have said a word.

Mr. LENTZ. Mr. Chairman, I should like to ask the chairman of the committee whether in this bill there is any modification of the law with reference to second-class rates, or whether there is any purpose to change that law?

Mr. LOUD. I will state, Mr. Chairman, that in the course of my few opening remarks I stated, as one illustration of my desire that the bill should not be weighted down with amendments, that the chairman of the committee had labored for some years to secure some amendment of the laws relating to second-class matter, and yet that not a word had been incorporated in this bill by way of any change in the law in relation to second-class matter. I stated that I had resisted the temptation, and I asked other members to restrain themselves in the same way.

Mr. LENTZ. I was not present when the chairman made the statement, and I wanted to know. I should like to ask the chairman another question, Whether it is true, or whether the chairman of the Committee on Post-Offices and Post-Roads knows, that the Post-Office Department has made a ruling that papers now in existence throughout the country may send out sample copies under second-class rates up to one-half of their circulation? I ask the gentleman whether that is a fact?

Mr. LOUD. I can not answer that question, Mr. Chairman, because I do not know.

Mr. LENTZ. Well, if that is true, is not it advisable to incorporate in this law an amendment which will permit new papers, or beginning papers, for the first year or two, to have a much larger privilege? Why should not this Congress encourage starting additional newspapers and magazines on the same rates rather than encourage a monopoly in confining all papers to the same privilege of 50 per cent of their circulation by way of samples?

Mr. LOUD. If the gentleman will allow me, I will say that I am aware that the Post-Office Department has adopted a rule in regard to newspapers established—that they will not admit a paper having a free circulation of more than 100 per cent. The gentleman asked me about all papers established. I am aware that they have adopted that rule. I want to say to the gentleman that that is too great a question to consider upon this bill, or any question of revision of second-class rates. I restrain myself, and I hope the gentleman will be able to restrain himself, as we are on the two extremes.

Mr. LENTZ. I am simply asking the chairman for information. I do not want to be a party to a bill of 300 pages without having somebody compare it with the law on the book. Are we to understand that this is reenacting legislation?

Mr. LOUD. Substantially. I will say that the changes which are made are certain changes which appeared necessary by reason of the lapse of twenty-eight years since any codification law. Regulations in some instances have been enacted into law.

Mr. LENTZ. Is there anything to indicate in this bill where the changes are made?

Mr. LOUD. The report states each section where a change has been made.

Mr. LENTZ. Are all the changes noted in the report of the committee?

Mr. LOUD. I did not understand the gentleman.

Mr. LENTZ. Are all the changes noted in the report?

Mr. LOUD. All the changes are noted in the report.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 57. That whenever, in the judgment of the Postmaster-General, the revenue of any post-office of the fourth class is being materially reduced by the dispatch of mail matter originating within the delivery of such office through other mediums than the regularly established post-office, for the purpose of affecting the compensation of the postmaster, he may allow to such postmaster, during the period of such condition, an annual compensation at the rates provided in section 55 of this act based upon the returns of such office for the four quarters preceding such effort to reduce the revenue of the office by the means herein referred to.

Mr. BARTLETT. Mr. Chairman, I notice that this is new legislation, or a regulation that never yet existed either by the regulation of the Post-Office or by law, and it occurs to me it ought not to be enacted. I therefore move to strike out this whole section 57.

It seems that that provision is intended for the purpose of paying postmasters of fourth-class offices salaries they would have received in accordance with the returns of prior quarters if the citizens who are to be served at that post-office shall determine to place their mail in railway mail cars that pass by fourth-class post-offices or shall send it somewhere else.

Now, when the wishes of the patrons of an office are so disregarded that objectionable and obnoxious postmasters are put upon them, so that the community may desire that their mail shall not go into a post-office presided over by such a postmaster, I do not think the Postmaster-General should be given authority to pay that official in the way prescribed by this section. It is a new departure. It is paying a postmaster in certain cases a salary in a different way from that which is paid to other fourth-class postmasters. If the Postmaster-General sees fit, over the protest of the patrons of that office and against the objection of those who are to be served, to appoint a man who is objectionable; if the people who are to be benefited by that office see fit to adopt any means to have their mail carried from that locality, I do not think the Postmaster-General ought to be permitted to pay that official. In other words, they all ought to stand on the same footing. I do not think this is a good new departure from the law that has heretofore existed.

Now, there have been instances occur where the Postmaster-General has directed that the box on the side of the railway mail cars shall be nailed down, so that the people living in the towns along that line—in certain towns—should not mail their matter on the railway mail car. There have been instances of that sort. I do not desire to call particular attention to them now; but I desire to say that there are instances in this Union, States in this Union, where the wishes of the patrons of the office are disregarded, and the recommendations of the members of Congress from the locality so represented are given no attention, and it has resulted that when the Fourth Assistant Postmaster-General, in disregard of the wishes of the patrons of the office, and in disregard of the protests and the earnest objection of the representatives of the people of that locality, appoints men who are objectionable to the patrons of the office, that some of these things suggested in this section may occur. The people may desire, as they have the right to do, rather than go to the post-office, to deposit their mail in the railway postal cars or send it to an adjoining town. I do not think the Fourth Assistant Postmaster-General should be offered a premium to make this sort of an appointment, and this is one new departure which we may well strike out of this bill. It ought not to have found a place in it.

Mr. LOUD. Mr. Chairman, I will state that the committee have no particular pride about this section. There has been an agitation going on for some years regarding, not in all instances a premeditated attempt to boycott an office, but in many instances the station is nearer than the post-office. We thought it wise to place in the hands of the Postmaster-General—being satisfied that he would not allow them cancellations except in extreme cases. We thought it wise, in view of the fact that the postmaster at that place must handle all the mail that comes there, in view of the fact that he is paid upon cancellations that take place in his office, and that he is compelled to do substantially as much work if he does not perform actual cancellation as if he did perform it, that the Postmaster-General might have the discretion of allowing that postmaster for those cancellations.

Now, permit me to say that I think that any gentleman who can go to the post-office and get his mail would not seriously have his feelings infringed upon if he went to that office and dropped a letter in there.

I can understand to what the gentleman refers, in the fact that in isolated cases there may have been postmasters appointed who were not acceptable to many in the community.

Mr. BARTLETT. Will the gentleman allow me an interruption?

Mr. LOUD. I should prefer to continue. Now, this mailing of letters on the train is a perplexing question. First, in that the railway mail clerk has not the time to cancel and distribute the letters where towns are close together.

Mr. LLOYD. Is it not true that the complaints which are coming to the Department at the present time are mainly based on the fact that individuals in little towns along the railway mail on the train the letters rather than at the post-office?

Mr. LOUD. Yes.

Mr. LLOYD. Is it not true that nearly all the trouble comes on account of that, rather than on account of the boycotting of particular offices?

Mr. LOUD. Yes; I should say that there are 100 complaints of that kind where there is 1 of the other.

Mr. LLOYD. Now, can not this section be framed so as to affect the salary only where letters are mailed on the train? Now, another suggestion. If a letter is mailed on the train, there is no compensation to anyone for canceling it. No one gets the benefit of it. The postmaster at the post-office where it should have been mailed does not get any compensation on account of it.

Mr. LOUD. That is right.

Mr. LLOYD. In the case of a boycott it does go to another office, and the postmaster at that office gets compensation. It seems to me there is a case where it should be made applicable. Wherever the mail is put on the train the postmaster ought to

have compensation for the mailing. No one now gets it; there is no doubling of salary, and no hardship would result to anyone on account of it, and the only reason of its being done, ordinarily, is for the convenience of the individual.

Mr. LOUD. I do not believe the Postmaster-General would ever allow compensation to two offices for the same work. I said when I rose to my feet that the committee had no pride about this section. We thought it was an act of justice that was due to the fourth-class postmasters.

Mr. ROBINSON of Indiana. If the gentleman will allow me, I should like to ask whether he thinks this provision is sufficiently broad to cover the new free rural delivery system and enable the Department to give the fourth-class postmasters what would practically be an increased salary?

Mr. LOUD. In case of the rural delivery this mail is all brought to the office and he gets the cancellation.

Mr. ROBINSON of Indiana. He may get the mail by having it handed to him or he may get it from the boxes.

Mr. LOUD. But in all cases he brings it to the office.

Mr. ROBINSON of Indiana. Then this will not affect the compensation?

Mr. LOUD. Not at all.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not know that it is necessary to add anything to what the gentleman from Georgia [Mr. BARTLETT] has so well said in support of striking out this section. I want to say that I concur in all that he has said. I think the fourth-class postmasters ought to be brought as near to their constituents, whom they serve, as possible. They ought not to be made independent of their constituents. They ought to depend upon them. There is nothing much more independent, as a general rule, than a United States office holder. Now, when you give them this additional ground of independence it has a tendency to make them more independent and to be less inclined to be accommodating to the people whom they serve. I believe in making them candidates as much as possible. A man when he is a candidate is usually a little more obliging and a little cleverer than when he is perfectly independent of his constituents. The man who holds an office for life is not near as obliging as one who has to go back occasionally to the fountain source of power for an indorsement.

In addition to what the gentleman from Georgia says, I would not remove them from the people, but I would bring them nearer. I have never advocated the election of fourth-class postmasters by the people. I think that is wholly impracticable, but if it were practicable I would favor it. It is not practicable, in my judgment. I think this section ought to be stricken out, for it is wrong in principle. I would be unwilling to give any Postmaster-General power to decide in his discretion where letters should be posted. I do not say that the Postmaster-General would exercise his discretion improperly. The man who has integrity and character and who has ability enough to be appointed Postmaster-General by a President in my opinion probably would not abuse the power, but we ought not to put it within the power of any man at his will to compensate fourth-class postmasters, as he will have the power to do under this provision if it goes into law. It is not in the law now. We are getting along pretty well, and I am radically opposed to putting this section into law and shall resist it in any way I can.

Mr. BROMWELL. Mr. Chairman, I am glad to see the gentleman from Tennessee so democratic in his statements as to advocate bringing these postmasters closely in contact with the people, and saying that the tendency of people occupying life positions is to make them become too independent, coming, as it does, from the distinguished gentleman who holds permanently a life position, as the newspapers have given him credit for. I think his sentiments are entitled to consideration. But I agree with the gentleman from Georgia and the gentleman from Tennessee to this extent: I think that the fourth-class postmasters of this country ought, if it were possible, to be elected by the communities who are the patrons of the offices.

I think that one of the greatest nuisances to which a member of Congress is subjected, especially after a change of Administration, is the selection and recommendation of fourth-class postmasters. But unfortunately—and that is one reason why I have my doubts to the advisability of striking out this section—unfortunately there do occur, and occur frequently, cases of actual boycotting growing out of the appointment of postmasters who are not in touch politically with the communities to whom the office must look for its patronage. I have in my mind an instance where a most excellent man was appointed on my recommendation to one of the post-offices in my district. It happened to be in a community which was almost solidly Democratic.

Mr. BURKE of Texas. I did not know you had any of that kind.

Mr. BROMWELL. I have one very small one. I wish it were still smaller. It is growing smaller year by year. If we keep on we shall make it Republican before we get through.

Mr. RICHARDSON of Tennessee. I thought the gentleman's district was degenerating. I was not sure.

Mr. BROMWELL. It is degenerating in that way.

Now, I want to say that although this man bore an excellent character in the community—although his character was without blemish—yet he was a Republican, and almost immediately after he was appointed and took possession of the office—which had been filled previously by a Democrat—by Democrat after Democrat—he reported to me that there was a boycott; that the mail which ought to be delivered at his office for canceling was not delivered; and finally he had to resign because there was nothing in the office for him; and I say frankly that I was obliged finally to secure the appointment of a Democrat to the position, because I was satisfied that the same procedure would be tried upon any Republican whom I might select.

Now, such a section as this, it seems to me, would reach such a case. The section, however, may be a little too broad—it may be so broad as to reach cases where there ought not to be compensation given to the postmaster. There may be cases where the mail is not deposited at a given office because it goes to some more convenient place, there being no desire to make a boycott, no desire to work any injury to the postmaster, but simply to save time—to promote the convenience of those mailing letters.

Personally, I will say, as the chairman of the committee has said, that I would not object to the section going out.

Mr. MADDOX. I wish to suggest that if this section be adopted the Postmaster-General will probably have more trouble arising under it than under any other section in this whole statute.

Mr. BROMWELL. I think the gentleman is right.

Mr. MADDOX. These little communities have, as we all know, their little jealousies, and these will operate to cause much trouble to the Postmaster-General.

Mr. BROMWELL. I think the gentleman is entirely right.

Mr. ROBINSON of Indiana. I very much fear that under the language of this section fourth-class postmasters who are interfered with by the operation of the system of rural free delivery may claim compensation on account of mail which is diverted from their offices in that way. It is true that the carrier of the free-delivery mail goes from and returns to the particular post-office where the cancellation takes place; but what about the fourth-class postmaster along the line of his route who may be interfered with by this system? May he not claim compensation under this section? It seems to me that such a provision may lead to very serious embarrassment; that there may be serious danger in the section now before the House.

Mr. LOUD. I do not think any fourth-class post-office would be continued for any considerable length of time if the rural delivery carriers covered that district.

Mr. ROBINSON of Indiana. But might not the fourth-class postmasters whose business was affected by this free-delivery system claim compensation under the language of this section? Would not the Postmaster-General be appealed to by those officers who would be indirectly affected as well as those who might be directly interfered with? I think there is a very serious question involved here as concerns the rural free-delivery service.

The question being taken on the amendment of Mr. BARTLETT to strike out section 57, it was agreed to.

The Clerk read as follows:

SEC. 58. That there is appropriated annually out of the revenues of the postal service, to pay the salaries and compensation of postmasters, a sum equal to the total payments for such purposes hereinbefore authorized.

Mr. LOUD. I move to amend by striking out this section. I think it is in the bill by an error.

The motion was agreed to.

The Clerk read as follows:

SEC. 60. That the Postmaster-General may allow to postmasters at offices of the first and second classes such number of clerks and other employees as he may deem necessary for the proper conduct of the business of their offices, in accordance with the classification hereinafter provided, and within the limit of the appropriation provided by law.

Mr. LENTZ. I wish to ask the chairman of the committee whether this section is intended to make way for the appointment of what are called cashiers in post-offices, where those offices are really sinecures?

Mr. LOUD. This is the present law, and it has been the law for a great many years—I believe it was originally enacted in 1883.

Mr. LENTZ. I want to say to the gentleman that, as I understand it, in the post-offices at Dayton, Columbus, Springfield, and perhaps one or two other cities in the State of Ohio, cashiers were appointed about two or three years ago at salaries ranging from \$1,800 to \$2,400. These cashiers had nothing to do except to take the money and deposit it in the banks, and then draw their checks once in two weeks, I believe, upon that fund and send the rest to Washington.

Now, Mr. Chairman, I am told that the assistant postmasters in these places found no difficulty whatever in performing the work of the offices, including the work now done by the cashiers, and

that these cashiers, or alleged cashiers, were simply political appointments by the party in power, and were appointed not for any service that they should render to the Government, but because of political services rendered and to be rendered.

Now, is there not some way of limiting this increase of employees, or is there not some way of preventing this abuse, for it is an abuse? Why do they want a cashier for a post-office in some places to simply carry the money and deposit it in bank, while the postmaster or assistant postmaster in cities of even very much larger size perform this service themselves, and that without the aid of any cashier at all? Is there no way to limit or prevent this method of looting?

Mr. LOUD. If the gentleman will permit me, the cashiers are provided for specifically by number in the appropriation bill. They are not appointed at random or without limit as to numbers. They are appointed under a plan adopted some years ago, and made specific in each appropriation bill from year to year. You might, perhaps, when that bill comes up for consideration, seek to cut down the number of cashiers allowed. But I do not think the Post-Office Department has allowed any cashiers at a salary of \$1,800 or \$2,400 a year in any offices where the duties of the cashier are simply to take money to the bank and deposit it. The rule adopted by the Department in a minimum first-class office is to make the salary of the cashier \$1,100 a year, and no cashier gets \$1,800 except in an office of \$600,000 or more.

Mr. LENTZ. My understanding is that in the city of Columbus the cashier drew \$2,400 a year, and I am satisfied from what I know of the matter that he did not spend an hour a day in connection with the duties of the office.

Mr. LOUD. Oh, well, that is a matter of regulation. I do not think that there is much danger of such a proceeding as that obtaining a footing in the Department.

Mr. LENTZ (continuing). I do not know how it is as to Dayton, which is a smaller city. But Canton and Springfield also have had cashiers. I know that in the spring of 1898 it was suddenly discovered that cashiers were necessary in these offices, and I am told that each of these four offices have them now. It is an abuse that ought to be stopped, and if it can not be done under the general law it certainly ought to be done when the appropriation bill comes along.

Mr. WM. ALDEN SMITH. Mr. Chairman, the suggestion of the gentleman from Ohio as to the pay and duties of the cashiers in the offices he mentions presents a very different condition of affairs from a case that I have in mind. I refer to the post-office at Grand Rapids, where the cashier is one of the hardest-worked men in the department, with much responsibility, and I do not think he gets any too much salary as it is now.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read section 65, as follows:

SEC. 65. That clerks and employees at post-offices of the first and second classes, appointed under a certain designation or classification, may be detailed or assigned, under such regulations as the Postmaster-General shall prescribe, to the performance of any duty whatever in any division, station, or substitution of the post-offices in which they are respectively employed.

Mr. WM. ALDEN SMITH. Mr. Chairman, I desire to ask the gentleman in charge of this bill a question. Is there any provision anywhere in the bill that affects the wages of clerks in the first and second class offices?

Mr. LOUD. There is no provision providing for a change. We have followed the present law in that respect absolutely.

Mr. WM. ALDEN SMITH. And in the third-class offices no provision is made for clerk hire?

Mr. LOUD. No, sir.

Mr. WM. ALDEN SMITH. Is there any such provision in the pending bill?

Mr. LOUD. There is not.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from California if he does not think it important that offices of the third class should be authorized to employ clerical assistance.

Mr. LOUD. I do not, because the basis of their pay is such a very large percentage of the receipts of the office that it has been estimated for fifty years to include all the expenses that are necessary, including clerk hire.

Mr. WM. ALDEN SMITH. But the gentleman must know that many of the third-class offices have so much business that the postmaster can not perform the duties alone, but must have assistance.

Mr. LOUD. That is true.

Mr. WM. ALDEN SMITH. And therefore compensation ought to be provided for clerk hire in such offices.

Mr. LOUD. We did not enter into the consideration of that question because we did not think it possible to attempt a revision of the fifty or sixty thousand employees of these various offices throughout the country.

Mr. WM. ALDEN SMITH. If it could not be done on this

bill, why not report a special bill for that purpose, although such a provision ought to be embodied in the pending bill, because otherwise it might never be reached in the course of the business of this Congress.

Mr. LOUD. That is true; but as I stated at the beginning, in the opening remarks on this bill, if that revision shall be begun here, if you attempt to classify, arrange, and increase the salaries of postal clerks throughout the country, it must extend also to the letter carriers, the railway postal clerks, and it is so large a question, such a vast undertaking, that I hope no member of the House will, upon this bill, attempt to make a change in the existing law, which would involve the probable defeat of the entire measure.

Mr. WM. ALDEN SMITH. My inquiry is not directed to that feature, but merely to the fact that no provision is made to pay the clerks in the third-class offices. Evidently this must be borne wholly by the postmaster, whose pay is very inadequate usually to the service performed.

Mr. LOUD. My experience has been that I never had any difficulty in getting people to make life very miserable for me by their applications to be postmasters in third-class offices.

Mr. WM. ALDEN SMITH. There are always plenty of candidates, but the Government ought to compensate its servants fairly.

Mr. LOUD. They are compensated as highly as they have been for the last fifty years.

Mr. WM. ALDEN SMITH. Yes; but the country has grown and the developments of commerce has made great drafts upon these post-offices.

Mr. LOUD. And yet they are not doing any more work.

Mr. WM. ALDEN SMITH. They must be doing more work.

Mr. LOUD. They can not, because they are paid upon the receipts of the office, and if the receipts of the office increase, the class of the post-office is changed.

Mr. LENTZ. I should like to return to section 64, and to ask why this leave of absence to clerks should not be thirty days instead of fifteen days—the same as we give to employees here in Washington?

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 64. Is there objection?

Mr. LOUD. Well, I object, Mr. Chairman. I do not want to be discourteous to the gentleman, but I hope he will not insist upon that.

Mr. LENTZ. I just want to ask the gentleman a question.

Mr. LOUD. I will answer a question.

Mr. LENTZ. Why should we not give the clerks in the first and second class post-offices thirty days' vacation, the same as clerks here in the city of Washington? What reason is there for giving them only half as much as other clerks in the Federal employ receive?

Mr. LOUD. It may be possible that the leave of absence granted to the clerks in the city of Washington never should have been granted. I am free to say for myself that I think that leave of absence granted to the clerks in the Departments in Washington never should have been granted. The adoption of a law of that kind in the post-offices throughout this country would involve an annual expenditure of fifteen to twenty million dollars, and speaking only for myself I think that fifteen days' leave of absence with pay is sufficient for any man working for the United States Government. That is one reason that prompted us not to make any change, but the fundamental reason was that we did not desire to make any changes in this codification.

Mr. LENTZ. My understanding is that the clerks in Washington not only get thirty days' vacation, but an interpretation has been put upon that to mean thirty working days; that is, thirty days in addition to Sundays. It seems to me that the chairman of the committee has made an exaggerated statement as to what it would cost to grant this additional fifteen days' leave. It surely would not cost fifteen or twenty million dollars a year, because the entire salaries of these men can not amount to much more than \$30,000,000 a year. We pay the railroads about \$35,000,000, and the aggregate expenditures of the Post-Office Department are not more than about ninety to a hundred million dollars annually for the entire postal service of the country.

Mr. LOUD. If the gentleman will permit me, I made that statement upon the assumption that if you granted it to post-office clerks you must necessarily, in equity, grant it to railway postal clerks and to carriers, and to all persons in the postal service. That service embraces about 140,000 employees.

Mr. LENTZ. It seems to me, Mr. Chairman, that when you take into consideration the number of hours of employment and the character of the services rendered by letter carriers and postal railway clerks, and the few hours of service that are rendered here by clerks in the departments, that if there is any place in the Federal service where employees should have thirty days' leave of absence, it ought to be in the first and second class post-offices.

Mr. LOUD. I will join the gentleman in cutting off part of

the sixty days' annual leave which the Department employees have, and it would please me very much—

Mr. LENTZ. I do not understand that it is sixty days.

Mr. LOUD. Well, then, thirty days and thirty days' sick leave, which amounts to sixty days in all.

Mr. ROBINSON of Indiana. If I may be permitted, I have given some attention to the subject about which the gentleman has spoken. The employees in the Departments in Washington are now accorded thirty days' vacation each year with pay, and they are accorded in addition to that thirty days' sick leave, and they claim the privilege very generously, which takes an expensive machinery to keep it in operation. Prior to a few years ago they were accorded still another thirty days, making ninety days in an entire year.

On day before yesterday I introduced a bill withdrawing the thirty-day sick-leave privilege, but leaving the thirty days' vacation. It is very proper that the House of Representatives show equal justice to all the employees of the Government and grant them the thirty days' vacation privilege if not incompatible with the public service. However, I think the thirty-day sick-leave privilege should be cut off. In 1893, as I have stated, the employees here in Washington were given ninety days. Two or three years ago that was cut down to sixty days, and I am glad to hear the distinguished chairman of the committee [Mr. LOUD] make the statement that he is in favor of cutting off the thirty days' sick leave and allowing it to remain simply at thirty days' vacation.

As it is now every member on this floor is besieged with requests from constituents throughout the country asking that they be given equal justice and that they be given thirty days' vacation. I trust that in the next session of Congress we may cut off the second thirty days which the clerks and employees here in the Washington Executive Departments now receive.

Mr. LENTZ. I move to strike out "fifteen," in section 64, and insert the word "thirty," in line 7, on page 33.

The CHAIRMAN. The Chair will state that objection was made to returning to section 64.

Mr. LENTZ. I understood the chairman to withdraw his objection. I do not think he will insist on it. We ought not to make fish of one and fowl of another. Let us treat all the Government employees alike. Certainly that class which does the hardest work and renders the best service that the Government gets ought to receive equal treatment with the others. There is no class of men in Government employ who perform as faithful service and do as much hard work as the men in the different departments of the postal service, whether it be on the railway trains or elsewhere, and these men on the railway trains, above all, ought to have thirty days if there is any man in the Government employ who gets it.

It is not only a hazardous service so far as accidents are concerned, but so far as health is concerned. I hope the gentleman will not take any exception to submitting my amendment to strike out the word "fifteen" and insert the word "thirty."

The CHAIRMAN. Does the gentleman from Ohio ask that the Chair will now submit the request.

Mr. LENTZ. I hope it will be granted.

The CHAIRMAN. The gentleman asks unanimous consent that the committee return to the consideration of section 64.

Mr. LOUD. I think it is wiser to depart from that section. I shall be again compelled to object.

The CHAIRMAN. Objection is made.

Mr. ROBINSON of Indiana. I understand the gentleman had not yielded the floor. I would like to call attention—

The CHAIRMAN. This debate has been proceeding by unanimous consent. There is nothing before the committee.

Mr. ROBINSON of Indiana. I move to strike out the last word. I simply wanted to call the attention of the House to the fact that unfortunately section 64 does not accord to the employees the stated fifteen days. It is purely optional on the part of the Department.

Mr. SPERRY. I thought I understood there was an amendment making it thirty days. I am in favor of that amendment. I do not know why one set of employees should be given thirty days and the other but fifteen, who work just as hard and as faithfully as any clerks in the Government service.

Mr. ROBINSON of Indiana. But parliamentary procedure prevents us from voting upon that proposition. There was objection to returning to section 64.

Mr. LENTZ. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LENTZ. When will it be in order to introduce such an amendment—at the end of the reading of the bill? Because I desire to offer an amendment changing the fifteen days to thirty days. I think it is the sense of a very large majority of this House to treat these mail-service employees as well, at least, as the Government employees here at Washington.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that when a section is read is the proper time to offer an

amendment. If there is a section to which that amendment can be offered, it can be offered at that time.

Mr. LENTZ. I think the chairman of this committee ought to waive his objection. I certainly did not neglect this bill. I have sat here watching it, with a view of offering an amendment; and it was being read so rapidly that I did not know that we even passed section 64. I would like to have this amendment go to the House. I renew my request, and hope the chairman of the committee will permit us to dispose of the matter without taking advantage of his right to object. I understand that this bill is submitted by the codification commission. There is no reason why the members of this House should not express themselves on a matter so important and just and equitable as this amendment would be. I think we ought to give these men these thirty days. I renew my request, and hope the chairman of the committee does not take exception.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read section 66.

Mr. LENTZ. I understood the chairman of the committee withdrew his objection.

The CHAIRMAN. Does the Chair understand the gentleman from California withdraws his objection?

Mr. LOUD. Oh, no, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cashier, five classes, salary, graded in even hundreds of dollars, at \$1,800, \$2,000, \$2,200, \$2,400, and not exceeding \$2,600 per annum.

Mr. LENTZ. I understood the chairman of the committee some time ago to say that cashiers did not receive as much as \$2,400 a year.

Mr. LOUD. Oh, no; I did not state that.

Mr. LENTZ. I stated that in Ohio cashiers had been appointed at a salary as high as \$2,400 a year.

Mr. LOUD. Yes.

Mr. LENTZ. I understood the gentleman from California to say I was mistaken in that, and that no man was paid more than \$1,800.

Mr. LOUD. I stated that no person had been appointed cashier, or that there was no office in which the office of cashier existed for a man over \$1,800 a year, where there was nothing for him to do but to deposit money. I desired to convey the thought—perhaps I did not do so fully—that the office of cashier, where it existed, was an office of the greatest importance, and more work to do, perhaps, than 99 per cent of the people who are employed in the Post-Office Department. That is the thought I desired to convey.

Mr. LENTZ. Then are we to understand that this is not an increase in the schedule of salaries of cashiers?

Mr. LOUD. This is the present law, I will say, reenacted.

Mr. MADDOX. Mr. Chairman, I want to ask the chairman of the committee a question. Where is the law that authorizes the appointment of a physician or surgeon to the post-office?

Mr. LOUD. I do not know of any provision of that kind, unless it is right here, as I have never seen it.

Mr. MADDOX. You have heard of such a thing being done?

Mr. LOUD. Yes; I have heard of such a thing being done, but this bill does not provide it.

Mr. BROMWELL. It may come in under the class of "general utility clerks."

Mr. MADDOX. It may be. I just want to know where it comes in.

Mr. BROMWELL. I give it up.

Mr. LENTZ. I would like to ask why this special provision is put in for employees in New York City post-office; why these special salaries are put in for the New York City post-office?

Mr. LOUD. I will state that in the instances where the salary is fixed for the employees in New York we fix the salary below the percentage fixed in other offices of the country, because the postmaster at New York gets, by special law, a salary of \$8,000, and if you followed out the percentages the subordinates there would receive a higher salary. We fix the salary of the assistant postmaster at \$3,500. If we did not have this provision in here he would get 50 per cent of the salary of the postmaster, which would be \$4,000. So along the line we put their salary less than the maximum of the law. This is the present law.

Mr. KING. I would like to ask the gentleman from California—I think he has answered the question, but I did not catch it—whether sections 66 and 67 make any increase whatever in the salary of employees?

Mr. LOUD. It does not. It recites the present law word for word.

Mr. WM. ALDEN SMITH. Mr. Chairman, I would like to ask the gentleman the meaning of the language on page 36, line 6, where it says, "assistant superintendents of registry, 11 classes, graded in even hundreds of dollars."

Mr. LOUD. Their salary is regulated by the business of the

office, by the grade of the office; they run in eleven classes—not exceeding \$1,800 down.

Mr. WM. ALDEN SMITH. They begin in post-offices that have a large amount of business, as No. 1, and proceed along down?

Mr. LOUD. Yes.

Mr. WM. ALDEN SMITH. What percentage of offices of the country will that include?

Mr. LOUD. I can not say how low down assistant superintendents will be provided.

Mr. WM. ALDEN SMITH. If the gentleman is fully satisfied that this meets the requirements of the cities that are entitled to such employees—

Mr. LOUD. Oh, yes; there has been no complaint on that score for a great many years.

The Clerk read as follows:

Mailing clerks, letter distributors, dispatchers, registry, money-order, directory, and nixie clerks, nine classes, salary, graded in even hundreds of dollars, from \$600 to not exceeding \$1,400 per annum.

Mr. WM. ALDEN SMITH. Mr. Chairman, I want to offer an amendment in line 16, page 37, by striking out the word "six" and inserting the word "seven," so that the section will read "from \$700 to not exceeding \$1,400 per annum."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 37, line 16, strike out the word "six" and insert "seven."

Mr. WM. ALDEN SMITH. Mr. Chairman, I am moved to do this because I believe they are not receiving proper compensation for employees in the classified service in positions such as this. It is not right to require candidates for such positions to take the civil-service examination and then, after getting the highest efficiency, pay them a small salary of \$600 a year.

Mr. LENTZ. If the gentleman will permit me, I suggest that he add to his amendment to strike out the word "four" in the next line and insert "five;" so that the gradation will be by even hundreds.

Mr. WM. ALDEN SMITH. I intend to offer the same amendment in line 9, page 38.

Mr. LENTZ. If you want to run from \$700 up by gradations of one hundred you must make the maximum \$1,500. The gentleman ought to add to his amendment so as to make it fifteen hundred dollars instead of fourteen, in the next line, so that you would have the gradations of 11 classes by hundreds.

Mr. WM. ALDEN SMITH. No, I think the minimum salary to be paid any officer such as is provided for in this section ought not to be \$600. I do not think it is a fair compensation. I do not think it tends to the best service, neither do I think it tends to develop the highest efficiency of the Post-Office Department. I think this Government, doing such a tremendous business as it is throughout the country, through the post-offices that to-day are the clearing houses of the business world, can afford to compensate its employees fairly. These poor clerks are worked overtime and at all hours of the day and night and should not receive less than \$700 per annum.

Mr. KING. Will my friend allow me a question?

Mr. WM. ALDEN SMITH. Yes.

Mr. KING. Does my friend think it adds to the public welfare, to the public morals, to pay bigger salaries to Government employees than is paid the same class of clerks in private business?

Mr. WM. ALDEN SMITH. I can only say in answer to the gentleman that this employment is in a certain sense in a trust capacity. These men are not running their own private business; they are conducting the important business of this Government. It is in a sense what a bank is to a community, and I think banks suffer by paying their employees little or no wages. I have heard the directors of a bank scored by the courts from the bench from the fact that they have paid such miserable salaries to their employees, tempting them to dishonesty.

Mr. ROBINSON of Indiana. Mr. Chairman, I want to call the attention of the gentleman from Michigan to the fact that there are 4,000 people who are obliged to keep a horse and to travel 25 to 28 miles every day in the rural communities for \$500 a year. If the compensation of these clerks is increased, these employees who are harder worked ought to have their compensation increased.

Mr. WM. ALDEN SMITH. Will the gentleman propose an amendment to increase their salary?

Mr. ROBINSON of Indiana. I think if the service continues as it has in the 32 routes in my district I shall have to do it.

Mr. WM. ALDEN SMITH. Does the gentleman from Indiana not know that the rural free-delivery service is in its experimental stage? But the judgment of every member on this floor, I dare say, founded on his own experience, would be that these men are not receiving compensation enough. I would cheerfully vote to increase the salary of the rural mail carrier to \$700 a year.

Mr. ROBINSON of Indiana. My purpose was to call attention to the fact that these men were perhaps the worst paid employees in the Post-Office Department.

Mr. WM. ALDEN SMITH. They are; but these poor "nixie"

clerks in the post-offices of this country, breathing the foul air and contracting disease—

A MEMBER. They can get out whenever they want to.

Mr. WM. ALDEN SMITH. No; they are there because they have made that their business. Many of them can not get out. They understand their business and are hopeful that they will be properly compensated. For my part I would like to see the Government treat all its employees fairly, especially these men who receive so little pay.

While I do not wish to make any reflection upon the bill or to criticize it harshly—while I believe that the chairman has shown splendid judgment in the preparation of this measure, as he does in everything else—yet, nevertheless, there ought not to be any personal pride on this question. This is a matter for compromise and adjustment, and it ought to be adjusted on this floor in accordance with what is right. I do not know of any argument that can be made against this amendment.

[Here the hammer fell.]

Mr. LENTZ. Mr. Chairman, I desire to support the amendment of the gentleman from Michigan [Mr. WM. ALDEN SMITH], and at the proper time I want to offer an amendment to change the word "four," in the next line, to "five," so that it will read "fifteen hundred dollars," making the gradation by steps of \$100 each.

Mr. Chairman, the objection offered by the suggestion that we pay the free rural delivery men only \$500 a year is unsound, because it must be quite apparent to every man that these free rural delivery carriers, who furnish a horse and wagon, can never, upon a salary of \$500 a year, come out even. It is true that the free rural service is in an experimental stage, and that the remuneration will have to be increased in due time. Many of these men are already finding out that they can not possibly maintain horses and wagons and support their families by carrying the mail 25, 26, 27, or 28 miles a day at a compensation of \$500 a year.

But the insufficient salaries paid to those men constitute no reason why, when we have this bill before us, we should not amend it and bring it up to date. I maintain that the Post-Office Department of this country is the greatest and best university we have in America. I think it is the best university system in the world. There is not a man going into the mail service, whether in a post-office or on a railroad, who ought not to have open to him the opportunity and prospect of a life work in that service; and we ought to pay him sufficient to enable him to live honorably, decently, creditably in any community; to support his family comfortably, giving them the privilege of proper schooling, proper clothing, and proper home surroundings. Six hundred dollars a year is not enough compensation for a man qualified to pass an examination and to take one of these places provided in this section.

If inferior men are now holding the places at \$600 a year, let us raise the grade of qualification or of scholarship so that the men we get for this service will be worth \$700 a year. In fact, I will support an amendment to make the salary \$800 a year. We ought to elevate the character and dignity of a position in the postal service of this country. The men in its employ ought not to receive any such miserable salary as \$50 a month. These men ought not to be compared with men who would be willing to work a lifetime at any labor they can happen to find. The employees in this service ought to be men of good education, higher ambition, and good character; and \$700 a year is a small enough compensation for persons when first entering the service, and it ought to increase until it reaches at least \$1,500.

We ought to offer an inducement to a man to fit himself for the public business with a view to making it his lifelong service, and that when he enters into that service he enters it with the hope that he is going to remain there by efficiency and ability for life. That is the kind of service we ought to have. It is a kind of professional service just as much needed as the professional service rendered at the bar or in medicine.

Therefore I am most heartily in favor of the motion of the gentleman from Michigan to strike out "six" and insert "seven;" and when that is disposed of I propose to move to strike out "four" and insert "five" in the next line, as I have just indicated.

Mr. MADDOX. Mr. Chairman, I want to say in the first place that no man is obliged to carry the mails in the United States in the free rural service unless he wants to. He need not accept the position or the compensation offered. He does so, if he accepts it at all, on his own volition and of his own accord. No man need to accept these positions in the post-offices, or in the Post-Office Department itself, or any place under the Government except of his own accord and on his own motion.

Mr. WM. ALDEN SMITH. That is so in every vocation in life.

Mr. MADDOX. Now, Mr. Chairman, I have said this much for the purpose of calling attention to the remarks made by my friends on both sides of the House who have been talking of the

very poor compensation paid these officials of the United States Government.

Let me call their attention and the attention of this committee to another class, the compensation of whom and the class of service rendered being an absolute disgrace to the Government of the United States, and that is that class who carry the mails in the rural districts. You may say, perhaps, that they are not forced to make these contracts. I refer now to the men who carry star-route mails, and carry them perhaps for ten or twelve months along the line, through rain, hail, storm, sleet, and snow, and going in a jump cart, with a one-eyed horse not worth \$2.50—an absolute disgrace to the Government of the United States. And when we get to that point in the bill I want to see if our friends on the other side are as willing to do something to regulate these contracts, so that they can be let to men having the ability to carry the mails in a more creditable and proper manner for the United States Government, and not allow certain speculators and contractors throughout the country to obtain possession of large amounts of these contracts and farm them out to those persons who will carry the mail at the lowest price, without reference to the character of the service they are able to render or the way by which they do render it.

Mr. WM. ALDEN SMITH. If the gentleman will permit me, right along that line I wish to suggest that I have a case now in my office, which was recently called to my attention, where a star-route carrier has had his contract so modified as that his actual daily compensation for rendering service does not exceed 48 cents a day. I think it a shame and disgrace, and that some provision should be made in the law to modify this condition of affairs wherever it exists.

Mr. BURKE of Texas. How would you remedy it? Is it not his own contract?

Mr. WM. ALDEN SMITH. I would remove it by giving the Postmaster-General authority to so change the law with reference to the compensation for the service rendered as to make it impossible that such things could exist.

Mr. MADDOX. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor.

Mr. MADDOX. Then I decline to be interrupted further.

Now, I wish to say, Mr. Chairman, that we have got to come to that point in time where this thing must be remedied. How does this abuse grow up? The fact of the matter is that these contracts are let in bulk to the lowest bidder. One man goes to the Department and secures a contract to carry the mail over probably a thousand or ten thousand different routes, and then goes through the country regions and sublets the various contracts. He will go along the line, contract for any character of vehicle that will carry the mail, and for the least amount possible, and sublet the contract in that way.

Mr. WILLIAMS of Mississippi. And will not hesitate to misrepresent facts, or even tell a lie, to get the man to take the contract.

Mr. MADDOX. That is very true. He would not hesitate to make any representation in order to secure the subletting of the contracts; and, as my friend from Michigan says, for carrying the daily mails he receives from the contractor—

Mr. ROBINSON of Indiana. For 6 or 8 miles.

Mr. MADDOX (continuing). Yes; for 10 miles, 20 miles, or 30 miles. He receives for carrying this daily mail less than 80 cents a day.

Mr. COWHERD. Let me ask the gentleman from Georgia if he thinks the Government can protect a man from making such contracts if he desires to enter into them?

Mr. MADDOX. It can undoubtedly prevent it to the extent of requiring that these contracts shall only be let to persons who have proper facilities for carrying the mails, and in that manner regulate the matter. The Government has the right to say what sort of a conveyance shall carry the mail, just as in the cities to-day they regulate the kind of conveyance that shall be sent to the various railroad depots for the mails, and reserve to itself the authority even to determine what sort of animals shall be used for drawing the conveyances to carry the mails. If that can be done in the city, why can it not be done also in the country? In that way you would remedy this evil at least to a great extent.

Mr. LATIMER. Will the gentleman allow me to ask him a question?

Mr. MADDOX. Certainly.

Mr. LATIMER. I want to ask the gentleman, if we provide that the Postmaster-General shall let these contracts to residents who live along these routes, will we not prevent these contractors from taking these large contracts and subletting them?

Mr. MADDOX. Well, that might benefit it some, but then they might enter into a combination themselves. I do not know about that; but I understand—in fact, I received a letter from Mr. Shallenberger, in which he states that he has undertaken by the discretion vested in him to regulate these things to a large degree;

but it seems to me that we ought to enact it in the law somewhere, when we get to this point, by which the Postmaster-General shall regulate the manner in which the mail shall be carried, that it shall not be allowed to be carried over this country as it is now, in a jump-gully, with one wheel turned one way and another another, drawn by a Texas pony worth about a dollar and a half, and when you meet it in the road you are absolutely ashamed to own that it is the conveyance which carries the mail of this the greatest country upon earth. [Laughter.]

Mr. BURKE of Texas. The gentleman means a Georgia mule, not a Texas pony.

Mr. MADDOX. Or even a Georgia mule.

Mr. KING. I do not agree with the amendment which has been offered by the gentleman from Michigan [Mr. WM. ALDEN SMITH]. I believe that reasonable salaries should be paid to all persons who are in the employ of the Government, but I do not believe that it should be the policy of those who have the control of the affairs of the Government to establish a list of salaries that will make positions under the Government far more desirable than positions in private or civil life, where the responsibilities and labors are no greater. I believe that it is the experience of nearly every member of this House that where there is one position to be filled in the Government there are from five to ten or fifteen applicants for that position.

My friend from Michigan [Mr. WM. ALDEN SMITH] eloquently inveighs against the poor salaries which are paid employees of the Government. I dare say there are hundreds and thousands of young men in this country just as able and efficient as those filling Government positions who are working in offices, stores, banks, and who occupy positions of trust and responsibility in the various avenues of life, who do not receive the same amount of compensation as that now paid by the Government to those in its service. My friend must know that excellent young men of high educational qualifications are working as clerks in stores and in banks and are filling important positions in commercial and business pursuits for from fifty to one hundred dollars per month.

If it be a fact, as my friend would infer, that the Government is not paying adequate compensation, why is it that there is such a rush from civil life, from the private business affairs of the people, to get positions under the Government? The fact is that people recognize in the United States a splendid paymaster, and that when they are working for the Government they are obtaining better wages than can be obtained for similar work performed in the ordinary business of the country. Besides, there is a certainty attached to most employments in the Government. Those securing positions expect to retain them for life. Under the civil service most of the employees are secure in their positions. I say pay those who work for the Government a proper compensation, but do not pay them more than is paid in business and private life for the same grade of work and for similar responsibility. I am opposed to this amendment, and do not think it should prevail. I do not think that we ought to select one particular grade of employees and raise their salaries without having a revision of the salaries of all the employees of the Government. If we are going to revise, let us commence at the top and revise all the lists.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. LOUD. Mr. Chairman, in closing the debate on this amendment I want to say one word. This paragraph fixes the rate of compensation of clerks at from \$600 to \$1,400. In this range there are a great many offices, small and large, and the discretion is left in the hands of the Postmaster-General to appoint within these limitations. The clerks themselves have been before Congress, insistent and persistent, for years; but neither they nor any man that I have ever heard before has proposed to strike out the minimum limit of \$600. That fixes the limit at which a clerk shall enter a first-class office.

A person may enter the postal service at 18 years of age. It is true he passes an examination. When compared with other walks of life I assume that \$600 is more than any man will receive upon entering any commercial house in this country. It fixes the maximum limit, on the other hand, at \$1,400, and our bill provides annually a sufficient amount of money for the gradual promotion of these men from six hundred to seven hundred dollars, from seven hundred to eight hundred dollars, and from eight hundred to nine hundred, and so on up to \$1,400, as they shall prove their efficiency in the service.

I regret the gentleman has offered the amendment. First, because there is more depending upon the adoption of this amendment, if it shall be adopted, than even he can possibly contemplate. I desired to impress upon his mind, and the minds of every one, that if this bill shall contain a provision for increase of salaries of the 50,000 or 60,000 persons employed in the post-offices, then I make the prophecy in the few days remaining of this session it can never become the law, even though it has more equity than I think the gentleman has successfully presented to this House. I

ask the House here and now, on the very threshold, believing, as I do, that these men are now adequately paid, in addition to what I have said before, the House will, by a decided vote, defeat this amendment. I ask for a vote.

Mr. ROBINSON of Indiana. Mr. Chairman, I desire the chairman of the committee not to understand by my remarks that I desire to interfere with his general plans. I think he is correct about it. I only want to emphasize one particular proposition. I shall support the gentleman's general theory of not interfering with this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 69. That any clerk or other employee in a post-office may, with the approval of the Postmaster-General, be fined, or suspended from duty without pay for dereliction of duty or misconduct.

Mr. MADDOX. I wish the attention of the chairman of the committee. I see in the report that this section, as you now propose to enact it into law, has been exercised by the authorities in an indirect manner, according to the report, heretofore.

Mr. LOUD. Yes.

Mr. MADDOX. What authority have they had for exercising it?

Mr. LOUD. No warrant of statute, I will say; but it is something that is absolutely necessary, in order to preserve any discipline. The Department has substantially taken the reins in their own hands, and we provide for that by putting it into a statute, so that there may be a law for it.

Mr. MADDOX. I agree with you about that. It has occurred to me it might be abused.

Mr. LLOYD. Who imposes a fine under this regulation?

Mr. LOUD. The Postmaster-General. No suspension can become permanent unless approved by the Postmaster-General.

Mr. LLOYD. I want to say—

Mr. MADDOX. I have not yielded the floor. I want to call attention to a fact that came under my own observation. A postmaster was appointed about three years ago, and he found in his office a number of young men—three or four—that were there under the civil service, and probably one or two for a number of years, and yet this newly-appointed official went to work and classified these individuals after he got hold of the office, which you are attempting to-day by this act to do now and which he had no authority to do then, and proceeded to reduce the salaries of some of them and assign them to positions that they did not know they had ever held, and in a few days they were called upon to sign the receipts for their pay at a largely reduced salary, which they refused to sign, and immediately they were kicked out of the service on the ground of not obeying discipline. In the other case a man who had been put there under a Republican Administration, under civil-service rules, a man who was at that time one of the commissioners to examine others entering the postal service, and they regulated him out of the service. They all appealed to the Postmaster-General and the Civil Service Commission, and all of this abuse was sanctioned. I want to know if there is anything in here that is going to stop any such abuse?

Mr. LOUD. I do not know of any way that that can be stopped by legislation in this bill.

Mr. MADDOX. But does not that emphasize this fact? You often hear it suggested about the civil service that it does not amount to anything when it is in the way.

Mr. LOUD. Possibly. I do not care to discuss the question of the civil service, because it is not involved in this bill.

Mr. ROBINSON of Indiana. I wish to ask the gentleman if it is not a fact that the only regulation providing for the trial and notice is in the civil-service laws?

Mr. LOUD. I did not understand the gentleman.

Mr. ROBINSON of Indiana. This section seems to give officers who have charge of these employees the power to suspend them and fine them, at their discretion. Is there any provision for notice, trial, or hearing except as this bill provides?

Mr. LOUD. Oh, they all have their hearings. The practice is, if a postmaster in a post-office suspends an employee—that law is now in effect in statutes relating to letter carriers; it does not relate to the railroad post-office—the case is reported to the Post-Office Department, and after an investigation by the Post-Office authorities here, then the act of the postmaster is affirmed or denied.

Mr. ROBINSON of Indiana. I have had called to my attention cases where they have dispensed with the services of employees in such a manner as to indicate the suspension of the employees was on political grounds.

Mr. LOUD. I do not think so. If they want to get rid of a clerk they discharge him.

Mr. ROBINSON of Indiana. I do not desire to embarrass the gentleman, but I am opposed to this section of the bill, and move to strike it out.

Mr. LOUD. I do not see anything to be gained by putting that kind of a construction upon this section.

Mr. ROBINSON of Indiana. But where is the notice, the fair trial provided for, in order to retain service by those who have passed their civil-service examination; where is the protection to the employee who may be pursued by some detective process, by reason of his political opinion, and ousted from the service when he may be one of the best in the service?

Mr. LOUD. How would the elimination of this section help that?

Mr. ROBINSON of Indiana. I understand they have no authority now, and that is the reason for putting it in the law.

Mr. LOUD. It only relates to fines and suspensions, and not to dismissals from the service.

Mr. ROBINSON of Indiana. Well, I see that it provides for no notice and imposes such conditions on the employee that he might fail.

Mr. LOUD. You would not have a man notified before he was suspended that he was going to be suspended?

Mr. ROBINSON of Indiana. The suspension of an employee once every thirty days would finally foreclose him from acting in the service.

Mr. LOUD. That is not practicable. If they wanted to get rid of a man, they would dismiss him.

Mr. ROBINSON of Indiana. Well, I have called the matter to the gentleman's attention, and I have so much faith in his opinion and justice that I will withdraw the motion.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 95. That every postmaster shall reside within the delivery of the office to which he is appointed.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I would like to ask the gentleman from California if section 95 is the language of the law now?

Mr. LOUD. It is.

Mr. RICHARDSON of Tennessee. Does the gentleman understand that to mean that the postmaster shall reside within the delivery of the office before he is eligible, before he is appointed, or that he may remove within the jurisdiction and reside there?

Mr. LOUD. This never occurred to me; but I should say from reading the section that it covered both. It has always been the rule, I suppose, that the postmaster must have been a resident of the delivery. I should say this could be interpreted either way.

Mr. RICHARDSON of Tennessee. A case in point has arisen in my own experience.

Mr. MADDOX. Yes; they move in in order to get the appointment.

Mr. RICHARDSON of Tennessee. In one case a postmaster was appointed, qualified himself by removing within the jurisdiction, and then said he resided within the jurisdiction of the office. But if he had not received the appointment he would have gone back and would not have been within the jurisdiction. I think it is unfortunate that the language is not clear. It should either say one thing or the other. It should say that he shall reside within the jurisdiction before appointment, or that he may move within the jurisdiction after appointment.

Mr. LOUD. Of course I can understand, perhaps, why it was not desired when the law was enacted to make it compulsory. The law may be a hundred years old for aught I know—I have not looked it up. I never gave the matter any consideration as to whether it would be advisable to make it mandatory that a person should be a bona fide resident or not. The city of Washington is an illustration. Seldom is a resident of the District of Columbia appointed to the office of postmaster. It is a question whether it is advisable to hedge ourselves so that a person could not be appointed from outside.

Mr. SHEPPARD. Mr. Chairman, I offer an amendment to section 95 by providing that every postmaster shall reside within the delivery of the office to which he is appointed six months prior to his appointment.

Mr. MAHON. Make it read that he shall be a bona fide citizen.

Mr. SHEPPARD. That he shall be a bona fide citizen.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the section so that it shall read: "every postmaster shall have resided within the delivery of the office to which he is appointed six months prior to his appointment."

Mr. LOUD. Mr. Chairman, I question whether that is in the words it should be if we are to amend it. Suppose a person was a bona fide resident; he may have been away six months or a year. I have some doubts about it. In some cases it might be desirable, and in some cases it might not be. It seems to me that it should read, if you are going to amend it, that every postmaster must be a bona fide resident of the delivery of the office to which he is appointed.

Mr. HILL. I would like to ask the gentleman what would be the result in a case, as in the town where I live, where we have

eight post-offices with no definite jurisdiction to any one of them?

Mr. LOUD. I beg to suggest that there may be many difficulties with an amendment of that sort which we have not and can not think of at this time. I think, as we have run one hundred years with this thing, we can get along a little while longer.

Mr. HILL. The precise case to which I refer is an illustration in my town. The postmaster of the city in which I live lives in the town just over the city line, and there is no free delivery from which he and his immediate neighbors get their mail. They get their mail from a fourth-class office a little way distant. It seems to me that there must be some restriction as to the city or town, instead of the delivery of the office, which often has no definite lines.

Mr. ADAMSON. Mr. Chairman, I suggest to the gentleman from Texas that the difficulties have been confined, in most places at least, to the fourth-class offices.

Mr. MADDOX. Will the gentleman allow me to correct him? I know they do.

Mr. HILL. And I can say the same.

Mr. ADAMSON. I simply state facts so far as they have come within my knowledge. Of course such cases as gentlemen mention may occur. I submit that the idea suggested by the chairman of the committee ought to be emphatically embodied in the law, so as to require specifically that any person receiving an appointment of this kind shall be a bona fide citizen.

Mr. KING. Mr. Chairman, it is apparent to me that members of the House have not sufficient information with respect to this matter to formulate a proper amendment, if an amendment is necessary. I therefore ask unanimous consent that the section be passed, to be returned to hereafter, so that if the chairman or any other member of the House, before the bill is finally passed, desires to offer an amendment, ample opportunity may be afforded.

Mr. BARTLETT. I have no objection to that; but I would like to obtain from the chairman of the committee some information as to the meaning of this language: "Within the delivery of said office." Allow me to state why I ask this question. Within my own experience a vacancy occurred in a post-office, and a gentleman applied for appointment who lived some 8 miles in the country. It was objected that he did not live within the delivery limit of the office. But when the appointment was made a gentleman who did not reside either in the city, the county, or the Congressional district, but who simply moved in for about a week, was appointed.

Mr. LOUD. As I before stated, my attention was never attracted to this section. I supposed for many years that the law compelled the selection of a bona fide resident. Yet I have known instances—one in my own district under a former Administration—where a man was selected as postmaster entirely outside of the town in which the office was located; and it was a county seat, too—a town of some two or three thousand inhabitants. But I supposed that was one of those infractions of law which are passed by because nobody "kicks." But I see now that this provision might be construed in any way that anyone saw fit to construe it. I have no objection to its going over.

Mr. MADDOX. Let me call the attention of the gentleman to one fact. I know of a case now existing in my district where there was appointed to the third best office in the district a man who did not live within 50 miles of the office and who did not move his family there until he got the appointment.

Mr. LOUD. That was good cause for moving there. [Laughter.]

Mr. MADDOX. But I want to tell the effect that that case had. That man was appointed as a Republican. There were plenty of local Republicans who might have been appointed and who, I will say, were just as well qualified as he was.

Mr. LOUD. Probably they were objectionable.

Mr. MADDOX. No; they were not.

Mr. LOUD. They must have been to somebody.

Mr. MADDOX. Of course, to a certain ring somewhere, they were objectionable. But that case, in its effects, did not do the Republican party any good. It is unnecessary, however, to make this a party question; it ought not to be made such a question.

Mr. LOUD. It can not be.

Mr. MADDOX. But if the law can be construed in such a way as it was in the case I am talking about—if a man can be imported and made postmaster absolutely against the will of both parties; a Presidential appointment, confirmed by the Senate—to what may this thing lead?

Mr. LOUD. Well, it has not led very far.

Mr. MADDOX. Well, it has led to that extent that a man can be imported into a community and be made postmaster in spite of the objections of both parties, and yet under this section can hold his place.

Mr. FLEMING. I knew of a case where a man receiving one of these appointments was imported over a hundred miles.

Mr. BARTLETT. Doubtless it is true that in the district of the gentleman from California [Mr. LOUD] the appointment of postmasters is not controlled, as it is in the districts of my colleague and myself, by gentlemen who do not reside in the district and who have no familiarity with the wishes of the people for whose accommodation postmasters are appointed. In those matters we are not consulted, nor are our people.

Mr. LOUD. I have oftentimes wished that such a condition might exist in my district. [Laughter.]

Mr. MAHON. I want to say a word or two about this amendment. It may seem desirable to us that this matter should be regulated by law; but how are the boundaries of your fourth-class post-offices to be determined? How are you going to determine who are the people for whose accommodation they are established?

Mr. LOUD. When the law speaks of persons within the limits of a certain delivery, it means persons who get their mails at that particular office.

Mr. MAHON. How would you fix it in the case of a city like that in which I reside—a city of 9,000 inhabitants, with 2,000 people outside who are heavy patrons of the office and who get their mail there?

Now, Mr. Chairman, this matter, as the chairman of the Committee on Post-Offices and Post-Roads tells us, is being regulated. We know how these appointments are made. The Department necessarily and naturally relies largely on the recommendations of the members of the House.

Mr. BARTLETT. On that side.

Mr. LOUD. That is the case just now.

Mr. MAHON (continuing). And gentlemen on the other side have their say under the same conditions. I think the members of Congress, as a rule, on both sides of the House will do about the right thing in these matters, and, as a matter of fact, the Department relies largely upon their recommendation, and necessarily so.

Mr. MADDOX. Will the gentleman permit me to interrupt him for a question?

Mr. MAHON. Yes.

Mr. MADDOX. In my State we have nothing whatever to do with the appointment of these officers.

Mr. MAHON. No; of course not, just now.

Mr. MADDOX. Let me conclude. Does the gentleman believe that I would have suggested the importation of a man from 50 miles away to fill a position of this kind?

Mr. MAHON. I know, of course, that you had something to do with it when you had a Democratic Administration. You gentlemen controlled these things largely when you had the administration of the Federal Government. You gentlemen will admit that—

Mr. MADDOX. Certainly.

Mr. MAHON. Now, when the whirligig of politics runs around, and we go up and you go down, we take your places, and we endeavor to get our people in, and do the best for the service that we think possible.

Mr. MADDOX. But your position and your argument is based on the suggestion that the members of Congress in my State have made these recommendations. I merely wish to correct the gentleman in that regard. We had nothing to do with it.

Mr. MAHON. Well, Mr. Chairman, when I look at the votes from some of your districts, as reported in the directory, I am inclined to think that if we want a Republican it will be necessary to import one. [Laughter.]

Mr. MADDOX. It is just this kind of conduct that makes such a thing necessary, and if it continues you will have to go still farther away to find any.

Mr. MAHON. I think that the Department itself can regulate this matter. We are told by the chairman that it is being considered and being regulated. It will be regulated, no doubt, to meet the very best requirements of the service, and that no appointments shall be made outside of a certain territory—say within 3 or 4 miles, if you please, excepting in the large cities; although it would be very hard to define the limits in which these appointments should be made. I think, with the chairman of the committee, that it is better to let it remain as it is.

In an adjoining State to my State I know of a case where circumstances were such that it required the importation of an official to fill one of these offices. Under a Republican Administration they brought a man from Ohio, because they could not find a man to fill the place in the district where the office is situated; and yet that very act almost resulted in the defeat of one of the members of this House. The people of the borough in which that office is situated cut him to the extent of 300 votes, and came within a very narrow margin of votes of defeating him altogether.

Mr. Chairman, the people of the country are very sensitive upon a subject of this kind. You dare not, nor would I dare, to go outside of a certain limit to bring a man in to fill an appointment of this kind when it would be possible to avoid it in any other way.

I admit that gentlemen on the other side, where in some cases it is necessary to secure an official, may have to go outside to bring in a good Republican. [Laughter.] They may not succeed in finding one of their own creed to fill the office. Notwithstanding that fact, we had better let the matter go as it is until the Department succeeds in perfecting the regulations they are now adopting. When you gentlemen get in you can avail yourself, of course, of the same privilege and adopt such rules as you think will best serve your interests.

Mr. MADDOX. Let me say to the gentleman that there are plenty of good Republicans in that town. That is not the trouble. But the appointment to which I have referred was made over their protest. They brought this man in and appointed him against the wishes of the Republicans in that town.

Mr. KING. Mr. Chairman, I renew my request that we pass over this section with the privilege of recurring to it before the bill is finally disposed of.

Mr. LOUD. I hope that will be done.

Mr. MAHON. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah that this provision of the bill be passed over temporarily, with the privilege of recurring to it hereafter?

There was no objection.

The Clerk read as follows:

SEC. 102. That mailable matter of the first class shall embrace letters, postal cards, private mailing cards with written messages when conforming to the regulations prescribed by the Postmaster-General, and all matter wholly or partly in writing, except as hereinafter provided.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that the further consideration of sections 103 to 110, inclusive, be postponed until the reading of the bill is completed. The reason for this is that I am advised these sections contain, in substance, the provisions of the so-called Loud bill of the last session relating to second-class matter. The question has been brought to my attention but a few moments ago, and I, for one, have not had opportunity of comparing fully the Loud bill of last session with these sections to see just how much of that Loud bill has been included. I do find, however, in the Loud bill of last session the first six lines of it identical with section 103 of this bill now under consideration.

I find also that section 5 of the Loud bill appears in this bill, in substance, as section 104, and so on through the sections which I have named, nearly every one of them containing one or more of the provisions of the bill relating to second-class matter which the House at the last session signally defeated. And in order that the members may have ample time to inform themselves as to the changes, and as to how much of the Loud bill has been incorporated in these sections, I renew the request for unanimous consent that the further consideration of these sections be postponed.

Mr. LOUD. Mr. Chairman, I can not resist the temptation to suggest to the gentleman that if he had read the Loud bill very carefully and had compared it with the existing law he would have been very much surprised to have discovered what trifling changes there were in the Loud bill.

Mr. ROBERTS. Well, there is a change, Mr. Chairman—

Mr. LOUD. But let me suggest to the gentleman that in the law presented here there is not a change even in the dotting of an "i" or the crossing of a "t" from the present law; not one.

Mr. ROBERTS. Mr. Chairman, will the gentleman permit a question?

Mr. LOUD. Yes.

Mr. ROBERTS. Will the gentleman tell me if the sections to which I have called his attention in House bill 6071, the so-called Loud bill of last session, were the dotting of the "i's" and the crossing of the "t's" of the law as it then existed; and, if so, why did he put it into his second-class bill?

Mr. LOUD. There were some very slight changes from the existing law in some sections of the Loud bill, but very slight. But let me say to the gentleman again, and to the House, that from section 101 to section 120 in this bill there is not the slightest particle of change in the existing law.

Mr. ROBERTS. I understood the gentleman, in his opening remarks, to say there was a slight change in the existing law.

Mr. LOUD. Oh, no; I stated that there were no changes in this particular. I stated that I had restrained myself, and that I hoped other members of the House might be able to restrain themselves, and that we had incorporated the law simply as it existed in these particulars.

Mr. ROBERTS. Mr. Chairman, the fact is obvious from a very casual reading of House bill 6071 of the last session and the sections I have named in this bill that the identical language of the two bills appears in numerous cases in the respective sections, and it seems to me nothing more than fair to the members of this House, who have not had opportunity to carefully consider the bill under discussion, to allow them to look at the respective bills and determine for themselves whether or not there have been changes, and whether or not these changes are vital with regard

to this question of second-class postal matter, about which there was so much discussion at the last session and upon which the House so emphatically announced its position.

Mr. LOUD. Mr. Chairman, as my own word seems to be of no value with the gentleman, I call upon my colleague from Texas [Mr. BURKE].

Mr. BURKE of Texas. I wish to state to my friend from Massachusetts that what the chairman of this committee has said is the absolute truth. There is not a change of the dotting of an "i" or the crossing of a "t" in these sections from the original law as it stands to-day. I do not see the necessity of having this thing passed over.

Mr. KING. The Loud bill recited the law, and this recites the law, in many of its provisions.

Mr. BURKE of Texas. If my friend from Massachusetts desires it, I will send in and have brought here the Revised Statutes. I have every section of the Revised Statutes quoted here, and I can give him the section of the Revised Statutes and the date of its passage.

Mr. ROBERTS. Mr. Chairman, if the gentleman will pardon me, I do not wish to be placed in the position of doubting the word of any member of this House, nor do I wish to appear in the position of delaying the passage of this bill. It seems to me, if consideration of this section is postponed until the reading of the last section, it will not delay the passage of the bill in the slightest, and it will enable the members of this House to compare these sections with the statute referred to by the gentleman from Texas.

Mr. LLOYD. Mr. Chairman, I object.

The CHAIRMAN. The Chair will state the request. The gentleman from Massachusetts [Mr. ROBERTS] asks unanimous consent that sections 103, 104, 105, 106, 107, 108, 109, and 110 be passed over without prejudice. Is there objection?

Mr. LLOYD. Mr. Chairman, I object.

Mr. ROBERTS. I wish to state that it will save time to do that, because otherwise there will be a great many questions asked as these sections are read, and that might be obviated.

Mr. BURKE of Texas. If any questions are asked they can be answered.

The Clerk read as follows:

SEC. 105. That all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health and publications issued by State departments of agriculture shall be admitted to the mails as second-class matter, provided such matter shall be originated and published to further the objects and purposes of such society, order, trades union, institution of learning, board of health, or department of agriculture, and shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguishes printed books for preservation from periodical publications.

Mr. ROBERTS. Mr. Chairman, before passing from this section I would like to ask the chairman of the committee if the section just read is the law as it exists to-day, word for word?

Mr. LOUD. That is what I stated, Mr. Chairman. I begin to think that my word has little value in this House; and yet in all my membership I have never heard the word of a member of this House questioned. I stated—

Mr. ROBERTS. I am not doubting the gentleman's word.

Mr. LOUD. I repeat—

Mr. ROBERTS. I am asking the gentleman a question.

Mr. LOUD (continuing). From section 101 to section 120 there is no change in the present law.

Mr. ROBERTS. Now, Mr. Chairman, in the Loud bill last year, with which the gentleman is very familiar, and which I have heard stated here quoted the law as it existed, this same section which has just been read appears, minus in that bill all following the word "order," in line 10, of page 54. Now, if the Loud bill of last year quoted the law as it existed, and this bill quotes the law as it exists, I would like the gentleman to explain how it happens that there are four more lines in the quotation of the law this year, bringing in different subjects, than appeared in the quotation of last year.

Mr. LOUD. I never have stated that the Loud bill repeated word for word the present law. That is where the gentleman gets confounded. I never said that, and let me say to you, that the Loud bill—

Mr. ROBERTS. Last year.

Mr. LOUD. Or in any year—repeated in words the present law.

Mr. ROBERTS. I think the gentleman from Texas made the suggestion, or some other gentleman upon that side.

Mr. BURKE of Texas. "The gentleman from Texas" made no such statement.

Mr. ROBERTS. Some gentleman on the other side said that it bears the same phraseology.

Mr. LOUD. The Loud bill was very similar. The changes

were few; but that class the gentleman refers to there, in relation to departments of agriculture, was the law adopted by the last Congress—in the closing days of the last Congress.

Mr. BURKE of Texas. The gentleman has confounded the Loud bill with existing law. That is the trouble.

Mr. ROBERTS. I wanted to see how far we have gotten confounded in this; and that is the object of my inquiry.

The Clerk read as follows:

SEC. 114. That the Postmaster-General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of any act of Congress, or news agent who distributes any of such newspapers or periodical publications under the provisions of any act of Congress, or of any employee of such publisher or news agent, stating that he will not send or knowingly permit to be sent through the mails any copy or copies of such newspaper or periodical publication except to regular subscribers thereof or news agents without prepayment of the postage thereon at the rate of 1 cent for each 2 ounces or fractional part thereof; and if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster-General or any inspector or other authorized officer of the Post-Office Department to make such affidavit, shall refuse so to do, and shall thereafter, without having made such affidavit, deposit any such newspapers in the mail for transmission, he shall be punished by a fine of not more than \$1,000; and if any such person shall knowingly and willfully mail such matter without the payment of postage as provided by law, or procure the same to be done with the intent to avoid the prepayment of postage due thereon, or if any postmaster or other person connected with the postal service shall knowingly permit any matter to be mailed without prepayment of postage as provided by law and in violation of the provisions of the same, he shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. LENTZ. Mr. Chairman, on page 57, in this section 114, there is this language, requiring the publisher to state that—

He will not send or knowingly permit to be sent through the mails any copy or copies of such newspaper or periodical publication except to regular subscribers thereof or news agents without prepayment of the postage thereon at the rate of 1 cent for each 2 ounces or fractional part thereof.

Is that a modification of the laws now existing?

Mr. LOUD. That is the present law, I will state to the gentleman. I did not hear what lines he was reading.

Mr. LENTZ. Beginning at line 12, down to line 17. Is that a modification of the law?

Mr. LOUD. It is not, as I understand it.

Mr. LENTZ. That makes it 8 cents instead of 1 cent a pound; 1 cent for each 2 ounces or a fractional part. Beginning at the first line, that paragraph says:

The Postmaster-General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of any act of Congress, etc.

It seems to me that that is a change of law from 1 cent to 8 cents a pound.

Mr. LOUD. It can not affect the subscribers.

Mr. LENTZ. It excepts the subscribers, but it does not leave any sample copies.

Mr. LOUD. I have no objection to passing the section until we can compare it with the existing law. It does read a little awkward.

Mr. LENTZ. Mr. Chairman, I ask that section 114 be passed until a comparison can be made.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that section 114 may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. We intended no change. If there is any, it has crept in without intention on our part.

The Clerk read as follows:

SEC. 118. That mailable matter of the third class shall contain nothing therein or thereon in addition to the original matter, except that upon the wrapper or envelope inclosing the same, or the tag or label attached thereto, the sender may write his own name, occupation, and residence or business address, preceded by the word "From," and may make marks other than by written or printed words to call attention to any word or passage in the text, and may correct any typographical errors. There may be placed upon the blank leaves or cover of any book or printed matter of the third class a simple manuscript dedication or inscription not of the nature of a personal correspondence. Upon the wrapper or envelope of third-class matter, or the tag or label attached thereto, may be printed any matter mailable as third class, but there must be left on the address side a space sufficient for a legible address and necessary stamps.

Mr. LENTZ. Mr. Chairman, I am not sure whether section 118 it intended to apply to books or not. It seems to me the law ought to permit the writing in books which are sent by friends to relatives and to each other such donation inscription as they see fit. I am inclined to think the law as it now stands prevents that. For instance, birthday and Christmas presents of books ought to permit the writing inside of the name from whom it comes, with some sentiment, without its being in violation of the law. I would like to ask the chairman whether there is any objection to having such an amendment to this section. What objection would there be to modifying the law so as to permit friends and relatives, in making presents of books, to write some sentiment in connection with the donation memorandum? I do not think it would be abused.

Mr. ROBINSON of Indiana. I want to suggest to the gentleman from Ohio that it would be a very difficult thing to safeguard a matter of that kind.

Mr. LENTZ. It seems to me that a provision could be drawn which would cover it.

Mr. LOUD. I do not think there is any necessity for it. This has been a law for a great many years, and you can not draw the line as to how much of an inscription there should be. If a person wants to present a book to another with a sentiment, he can send the sentiment by letter.

Mr. LENTZ. Yes, but the person likes to have the sentiment inscribed in the book. During the holiday season there are thousands of books sent across the country, and the recipients would be pleased to have some note or memorandum in the book. I am satisfied that such a provision would never be abused. No one would think of using a book for the purpose of correspondence.

Mr. ADAMSON. I would like to ask the gentleman from Ohio if this provision of the section does not cover his proposition: "There may be placed upon the blank leaves or cover of any book or printed matter of the third class a simple manuscript dedication or inscription not of the nature of a personal correspondence."

Mr. LENTZ. I do not know but that it does. If it does, I ask for no further amendment.

The Clerk read as follows:

SEC. 138. That the Vice-President, Members of and Delegates to Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, all public documents printed by order of Congress, the CONGRESSIONAL RECORD or any part thereof, or speeches or reports therein contained, under such regulations as the Postmaster-General shall prescribe; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, or Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein for the period of nine months following the expiration of their respective terms or their resignation of such offices.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman whether the Doorkeeper of the House ought not to be included in this provision for the franking privilege. As I understand it, the superintendent of the document room, to whom we frequently have occasion to write for documents in vacation, has been compelled, in answer to our requests, to send the various documents under the frank of the Clerk. I want to ask the gentleman from California whether or not it would not be better to provide that the Doorkeeper or the superintendent of the document room should be included in this franking privilege to enable him to use the frank for the purpose of sending out these documents.

Mr. LOUD. Does the gentleman mean to include the Doorkeeper in the franking privilege?

Mr. BARTLETT. It occurs to me it should be the superintendent of the document room, and not the Doorkeeper. We frequently have occasion while we are at home to send for documents from the folding room or the document room, and I understand the documents are mailed under the frank of the Clerk of the House.

Mr. ROBINSON of Indiana. Our own clerks are here, and does not that afford sufficient facility? It is a matter that ought not to be extended unless it is necessary. The present law seems to have been sufficient up to this time.

Mr. BARTLETT. It seems to me that the superintendent of the folding room would be the one to have the privilege.

Mr. LOUD. I think the law is sufficiently broad now.

The Clerk read as follows:

SEC. 140. That the Vice-President and Members and Members-elect of, and Delegates and Delegates-elect to, Congress shall have the privilege of sending free through the mails, under their frank, mail matter to any Government official, or to any person, correspondence not exceeding 2 ounces in weight, upon official or departmental business.

Mr. HILL. Mr. Chairman, I would like to ask the gentleman from California, the chairman of the committee, if it would not be well to strike out the word "two" and make it "three" or "four?" I have had this experience several times. Parties call for papers which have been used here, and which, after the matter had been passed upon, were no longer required, and the party wanted them returned. I have wrapped them and sent them in one envelope and they have been returned to me as overweight. At the same time I have noticed that the CONGRESSIONAL RECORD and public documents, marked "public documents," will go at any weight; but official papers—official correspondence—is overweight if it weighs over 2 ounces. It simply puts the extra burden upon us of putting the papers into different envelopes. I do not want to make the amendment if the chairman has any reason why it should not be made.

Mr. LOUD. I think, in view of the fact that we have got along for a great many years under this provision, and in view of the conditions that gave rise to the repeal of the old franking privilege, it would be wise to continue this provision.

Mr. HILL. The world got along without electricity for a good many years, but is that any reason why we should not use it now?

Can any harm accrue to the Government by an enlargement such as I suggest?

Mr. LOUD. If the gentleman made the limit 3 ounces I do not know that there would. But is he familiar with the history of the franking privilege which was abolished some years ago?

Mr. HILL. I do not care to go into that question. I will accept the gentleman's statement that no harm would come from making the limit 3 ounces. I therefore move to strike out "two" and insert "three."

Mr. LOUD. I say that I do not know that any harm would come.

Mr. HILL. I am willing to take the chances. I think the gentleman knows more about this subject than any other man in the United States. I am willing to trust to his knowledge. I move to strike out "two" and insert "three."

The CHAIRMAN. The amendment of the gentleman from Connecticut [Mr. HILL] will be read.

The Clerk read as follows:

In line 21, page 69, strike out "two" and insert "three;" so as to read, "not exceeding three ounces in weight."

The amendment was agreed to.

The Clerk read as follows:

SEC. 152. That all publications of the second class, when sent by the publishers thereof and from the offices of publication, including sample copies, or when sent from a news agency to actual subscribers thereto or to other news agents, shall be entitled to transmission in the mails at 1 cent a pound or fraction thereof, such matter to be weighed in bulk and postage thereon collected in advance of mailing, and accounted for under such regulations as the Postmaster-General shall prescribe: *Provided*, That the rate of postage on newspapers and periodicals not exceeding 2 ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at 1 cent each; and periodicals weighing more than 2 ounces shall be subject, when delivered by such carriers, to a postage of 2 cents each; and these rates shall be fully prepaid by stamps affixed.

Mr. BARTLETT. I see that the gentleman from California states in his report that this is a new section and that it deprives the weekly newspapers of certain privileges which they have under existing law. I would be glad if the gentlemen would state in what way they are affected.

Mr. LOUD. The present law, in this respect, seems to be an anomaly. No paper is permitted to be mailed at the pound rate in a letter-carrier office excepting a weekly paper. The Post-Office Committee has for many years been pressed very hard to admit other publications. How that law was ever originally adopted, nobody knows. It was enacted in an appropriation bill. It has been intimated that some weekly paper published here in Washington succeeded in getting the provision injected into an appropriation bill during the closing hours of a short session. No other class of papers have the same privilege. The committee thought it wise to put all the newspapers upon the same plane. Of course, when it comes to the country newspaper, the publisher is entitled to free circulation in his county, except that if it is a free delivery office he must pay postage at the rate of 1 cent a pound, as provided in another portion of this bill. The pending section relates to our large cities. The gentleman can understand how impossible it would be for the Government to attempt to deliver an immense amount of newspaper matter within a large city. If the law is extended so as to include any other than weekly papers, of course it must include the dailies; and the Government would have to assume the responsibility of delivering the daily newspapers.

Mr. BARTLETT. I understood the gentleman to say that this provision might seriously affect weeklies circulating in the county of their publication. They now have the privilege of free circulation within the county.

Mr. LOUD. That is provided for in another part of the bill.

Mr. BARTLETT. I was interested to see that the country newspapers are not deprived of what they think they are entitled to.

The Clerk read as follows:

SEC. 171. That the Postmaster-General shall provide suitable letter and newspaper envelopes, with such watermarks or other guards against counterfeits as he may deem expedient, and with postage stamps with such device and of such suitable denominations as he may direct impressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be resold as nearly as may be at the cost of procuring them, including all salaries, clerk hire, and other expenses connected therewith, and with the addition of the value of the postage stamps impressed thereon; but no stamped envelope furnished by the Government shall contain any lithographing or engraving, or any printing or business card, except a printed request to return the letter to the writer. Letters and papers inclosed in such stamped envelopes shall, if the postage stamp is of a denomination sufficient to cover the postage properly chargeable thereon, pass in the mails as prepaid matter.

Mr. BARTLETT. I wish to inquire whether this section changes any law with respect to the printing of return directions on letters by the Government?

Mr. LOUD. It does not. It continues the present law.

Mr. BARTLETT. It will permit the Post-Office Department to print the ordinary request that the letter, if not delivered within a specified number of days, be returned to the writer?

Mr. LOUD. So I understand.

Mr. BARTLETT. It does not permit the printing of business cards or anything of that kind?

Mr. LOUD. It continues the present law.

The Clerk read as follows:

SEC. 182. That whoever shall use or attempt to use in payment of postage any postage stamp or stamped envelope, or any stamp cut or removed from any such stamped envelope which has been before used for a like purpose; or shall use or attempt to use in payment of postage any canceled postage stamp, whether the same has been before used or not; or who shall by any means remove, or attempt to remove, or assist in removing marks from any postage stamp or stamped envelope with intent to use the same in payment of postage; or shall with like intent remove from any letter or other mail matter deposited in or received at a post-office or other authorized depository of mail matter any stamp attached to the same in payment of postage; or shall knowingly have in his possession any postage stamp so canceled or removed, or from which such cancellation marks have been removed, with intent to use the same; or shall sell or offer to sell any such stamp or stamps; or shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to use the same again for a like purpose, shall be punished for each offense by imprisonment for not more than three years or by a fine of not more than \$500, or by both such imprisonment and fine.

Mr. MADDOX. It seems to me that this section provides a way in which many an innocent person may get into trouble. I call attention to the language of the section:

That whoever shall use or attempt to use in payment of postage any postage stamp or stamped envelope, or any stamp cut or removed from any such stamped envelope which has been before used for a like purpose; or shall use or attempt to use in payment of postage any canceled postage stamp, whether the same has been before used or not; or who shall by any means remove, or attempt to remove, or assist in removing marks from any postage stamp or stamped envelope with intent to use the same in payment of postage.

Mr. BURKE of Texas. "With intent to use the same in payment of postage."

Mr. MADDOX. I understand.

Mr. LOUD. Does the gentleman object to that?

Mr. MADDOX. No; not to that part. But it is possible, as I understand, for a person who may unintentionally get hold of a stamp that has been used, and who may innocently attempt to use it, to become punishable under this act.

Mr. BURKE of Texas. Not unless he intends to defraud the Government.

Mr. MADDOX. I doubt that.

But then, Mr. Chairman, turning to the report submitted by the Committee on the Post-Office and Post-Roads, I find this language:

SEC. 182. This section relates to the removal and reuse of postage stamps. The section is as reported by the Commission to Revise and Codify the Criminal and Penal Laws, and in its report the commission makes the following statement:

"Offenses involved in the removal and reuse of postage stamps are now defined in sections 3932, 3933, 3934, and 3935, Revised Statutes, and certain amendatory acts not necessary to be here recited. These have been consolidated into a single section, with such maximum and minimum penalty as it is submitted will enable the courts to fix a punishment commensurate with the offense under the circumstances of any particular case."

The minimum punishment fixed by the commission has been stricken out.

Here, then, are several sections of the law consolidated, the committee say, in a single section. It occurs to me, without having had an opportunity of carefully reading the sections contemplated to be consolidated, on a careful examination of the sections themselves, that this provision as it is drawn here is calculated to cause a very large amount of trouble where it is not intended.

I make the suggestion, as it is time to take a recess or adjourn anyhow, that this matter—this section—lie over until to-morrow, if that meets the approval of the chairman of the committee.

Mr. LOUD. I will consent to that, Mr. Chairman, but I would like to go on a little further this evening, if possible, with the bill.

Mr. MADDOX. Very well; I am willing for that. But let this go over for the present.

The CHAIRMAN. The gentleman from Georgia asks that this section be passed over without prejudice. Is there objection?

There was no objection.

The Clerk proceeded with the reading of the bill.

Some time subsequently,

Mr. MADDOX. Mr. Chairman, I take the floor simply to say that after a careful reading of the several sections of the bill consolidated in section No. 182, which at my request was passed over until to-morrow morning, I find that I was mistaken as to the purport of the section, and withdraw any objection I then made, and permit the matter to be acted upon at this time.

The CHAIRMAN. Then, without objection, section 182 will be considered as having been acted upon by the committee.

There was no objection, and it was so ordered.

The Clerk proceeded with the reading of the bill and read section 204, as follows:

SEC. 204. That there may be in all cities which contain a population of 75,000 or more three classes of letter carriers, as follows: Carriers of the first class, whose salaries shall be \$1,000 per annum; of the second class, whose salaries shall be \$800 per annum, and of the third class, whose salaries shall be \$600 per annum. In places containing a population of less than 75,000 there may be two classes of letter carriers, as follows: Carriers of the second class, whose salaries shall be \$850 per annum, and of the third class, whose salaries shall be \$600 per annum.

Mr. WM. ALDEN SMITH. Mr. Chairman, I offer the amendment to section 204 which I sent to the Clerk's desk.

Mr. LOUD. Mr. Chairman, I hope the gentleman from Michigan will not offer that amendment.

Mr. WM. ALDEN SMITH. How does the gentleman know what amendment I am going to offer?

Mr. LOUD. Oh, well, I think I have a pretty good idea of what it is.

Mr. WM. ALDEN SMITH. I am not going to offer anything, Mr. Chairman, not strictly germane to the bill, or anything particularly new or fairly objectionable. It should not alarm the gentleman from California, and I do not believe it will when understood. I ask for the reading of the amendment.

The Clerk read as follows:

Amend section 204:

By striking out all after the word "cities" in the fifth line down to and including the word "three" in the sixth line.

By striking out all after the word "class" in the seventh line.

By inserting the word "four" after the word "cities" in the fifth line.

By inserting after the word "class" in the seventh line the following:

"Who have served as regular carriers for a period of three years or over shall receive as salary \$1,200 per annum.

"Carriers of the second class who have served as regular carriers for a period of two years or over shall receive as salary \$1,000 per annum.

"Carriers of the third class who have served for a period of one year or over shall receive as salary \$800 per annum.

"Carriers of the fourth class who are or may be appointed to the regular service shall receive as salary \$600 during the first year's service."

Section 204 as amended, to read as follows:

"SEC. 204. That there may be in all cities four classes of letter carriers, as follows:

"Carriers of the first class who have served as regular carriers for a period of three years or over shall receive as salary \$1,200 per annum.

"Carriers of the second class who have served as regular carriers for a period of two years or over shall receive as salary \$1,000 per annum.

"Carriers of the third class who have served for a period of one year or over shall receive as salary \$800 per annum.

"Carriers of the fourth class who are or may be appointed to the regular service shall receive as salary \$600 during the first year's service."

Mr. WM. ALDEN SMITH. Mr. Chairman, it is quite apparent to me now, though I had not before suspected it, that the gentleman from California in charge of the pending bill, does not desire or intend any amendment at all to be made thereto. And yet I know of no other opportunity than that presented now to modify the existing law. The proposition I present is to amend the bill if we have the strength in the House to do it; and I believe the amendment just read will commend itself to a majority of the members present.

This matter, Mr. Chairman, is not entirely unfamiliar to the members of this House. The Committee on Post-Offices and Post-Roads of the Fifty-second Congress reported favorably the very proposition that I have sent to the Clerk's desk. The same committee in the Fifty-third Congress reported it favorably, and the Senate of the United States almost unanimously favored its passage in the Fifty-fourth Congress. Nor is it in any respect a subject of legislation that is improper to be considered at this time.

What are the circumstances? The salaries of the letter carriers of the country have not been changed, increased, or added to, for twenty years; and yet the growing commerce of the United States has imposed upon these servants of the nation burdens that no other class of our public servants are compelled to bear; and, for one, I hope that the members present, and those who are interested in doing what is right for these carriers, may exhibit sufficient interest and courage to do them justice by promptly passing a measure of this character when the opportunity is presented to them.

There can be no valid objection to it. These men are exposed to all kinds of weather; they grow old very fast; they perform their service satisfactorily to the whole country, in storm and in sunshine, in winter and in summer, in rain and in snow, without complaining, weighted with great bags of mail and traversing miles every day, faithfully discharging their duty and personally known by everyone upon their routes, looked up to and respected. Why not fairly compensate them, that they may save from their earnings something for their old age, when they can no longer be of service to the Government?

I know of no reason why this amendment should not be incorporated into this act. What is there so sacred about a codification of the postal laws that they should be handled with gloved hands and not soiled by an amendment of this character? What is there so sacred in these laws that they should not be changed to meet present conditions? My judgment for it, if these laws are not changed now the opportunity will have passed for a generation, and the great chairman of the Committee on Post-Offices and Post-Roads will have accomplished a miracle in legislation, and the opportunity to equalize inequality will have gone from us without serious resistance, notwithstanding the justice of our cause.

For my part, I believe that no measure has been presented to this House with more merit than the amendment just read from the Clerk's desk. It is the only way we can be heard upon it, either now or upon a motion to recommit this bill to the Committee on the Post-Office and Post-Roads with instructions that they shall report out a proposition of this character.

I am anxious to do justice by these men. I want to see their salaries increased. This branch of the postal service is not only

self-sustaining, but profitable to the Government. The small increase is not a great burden. The salaries of letter carriers was fixed when the letter-carrier system was in its experimental stages. It has now reached the point where it has demonstrated its usefulness to the country, where it is no longer experimental, but where it is profitable to the Government, as is shown by the report of my colleague and friend on my right [Mr. SPERRY], who reported favorably from the Committee on the Post-Office and Post-Roads in the Fifty-fourth Congress a law identical with the one that I have sent to the Clerk's desk. I should like to see it pass.

I should like to see this tardy justice done by these servants of the Government. They wear the uniform of Uncle Sam and perform splendid service. They are poorly paid for the performance of that great task. Mr. Chairman, I have seen the letter carriers of my home city burdened with great sacks of mail upon their shoulders in the heat of a summer day when you and I have found it burdensome to carry even an umbrella over our heads.

In my view of the matter we can not do this too quickly, and I think the chairman of the committee having this measure in charge could with propriety acknowledge the seriousness and the appropriateness of this proposition and allow it to be incorporated into the law without objection. This Government will be none the poorer for it and the people will not complain. [Applause.]

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I simply take the floor to make an inquiry of the gentleman from Michigan, whether his amendment embodies the provision that has secured the indorsement of the Letter Carriers' Association?

Mr. WM. ALDEN SMITH. I do not know. I am not in the confidence of the Letter Carriers' Association and am not guided by their counsel.

Mr. ROBINSON of Indiana. The gentleman's amendment would not suffer any if it had their indorsement. I want to ask if it makes any discrimination between cities of 400,000, 75,000, and 100,000 population, in the pay of letter carriers?

Mr. WM. ALDEN SMITH. I will say to the gentleman that I have followed the language of the three reports I have referred to. I do not understand that it does make any distinction of that kind.

Mr. HILL. The salaries are based upon length of service.

Mr. WM. ALDEN SMITH. They are based upon graduated length of service.

Mr. MADDOX. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MAHON. Mr. Chairman, I think we have reached the point where it is time for the level-headed men of this House to call a halt.

Mr. ALLEN of Mississippi. And I am one of them. [Laughter.]

Mr. MAHON. I have been told that certain gentlemen now in this city represent the letter carriers. As a member of Congress from the Eighteenth Congressional district of Pennsylvania I represent the letter carriers in that district, and I do not propose that anybody else shall do it. I am told that the bill that will soon come out of the Post-Office Committee, to pay the expenses of the postal service for the coming fiscal year, will carry an appropriation of \$122,000,000.

Mr. Chairman, if we propose, Congress after Congress, to keep rolling up the pay rolls of this nation, where are we going to end? The letter carriers of my district do not care anything about your eight-hour law. They are faithful men, and they are willing to come to my house at 6 o'clock in the evening, if necessary, and work over eight hours to give me my mail; but this Congress by law has prohibited them from doing so, and I can either walk down for it or send for it. I want to say to the House that the letter carriers in my district, and I know them all, get more for that service to-day than they could in any other vocation in life involving similar labor.

Talk about sunshine and rain! Why, if the position of a letter carrier is vacant in my city, when I go home I will find 20 applicants for it. You talk about them being poorly paid! I make the assertion that they are the best paid men in this nation for the same work. They are better paid than the men who stay in the post-offices from 6 o'clock in the morning until 11 at night. If you are going to do justice at all, reach out your benevolence to the clerks in the post-offices, and I will even oppose that, as the Department can regulate such matters.

Mr. WM. ALDEN SMITH. How about the claims pending before the gentleman's committee?

Mr. MAHON. It has got to be so now that when a man gets a position under this Government, his first action is to have his salary increased.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman a question.

Mr. MAHON. And if they put in as much labor for the Government as they do to increase their pay they would be more efficient men. [Applause.]

Mr. WM. ALDEN SMITH. I would like to ask the gentleman how recent his conversion to economy has been? I have heard him three Congresses decrying about the payment of deferred claims that nobody knows anything about.

Mr. MAHON. I do not propose to increase the salaries of men who are getting more pay than they would in other employments while honest debts are left unpaid. I say here, and I say it without fear of contradiction, that for the labor they perform, the eight hours that they render to the Government, they are paid better than any class of men in the country in either civil or public life.

Mr. WM. ALDEN SMITH. I do not admit it.

Mr. MAHON. And I propose to oppose this amendment even against the opposition of the letter carriers in my district. I will not stand here as a member of this House and vote for a measure I believe to be wrong. [Applause.] Look at the enormous Blue Book of this nation—two large volumes, containing names running up to 100,000 men, and all knocking at the door of this Congress for an increase in their salaries. You are paying to the Supreme Court judges of the United States the beggarly salary of \$8,000; and in this case and other cases, salaries ought to be increased. But if we increase clerks in the post-offices all along the line, and carry it through every Department, where is this to end?

Mr. WM. ALDEN SMITH. We ought not to end until we do justice.

Mr. MAHON. I say we are doing justice. We are paying men carrying the mails who could not make over \$300 in civil life. There are thousands of men in your city and many in my city who would be glad to get the job at the present salary. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is upon agreeing to the amendment.

Mr. MAHON. I want two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time may be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MAHON. If these gentlemen are not satisfied with their salaries, let them do like they do in civil life. A man who does not pay me what I want, I refuse to work for him. Now, you take up the rural delivery. The man who rides along the road gets \$500 a year, and I can show them boys and men with as much intelligence working in the fields at 75 cents a day.

Mr. WM. ALDEN SMITH. Do they furnish their own horse at 75 cents a day?

Mr. MAHON. I am speaking of the free rural delivery men. Now, I have heard a charge here about stages and stage horses being poor and unsightly carrying Uncle Sam's mails. I have as many stages running through my district, and perhaps more, than the gentleman has running through his. They do not carry the mail at 85 cents a day. They will take a contract, say, for \$300 to carry the mail. They are carrying passengers and express packages and are making money outside of carrying the mails. If a man wants to come to Washington and take a contract to carry the mails from one part of the country to another, that is his business. Some gentlemen here are afraid that they did not have a handsome horse, and intimated that every fellow who wanted to carry the mail ought to be supplied with a blooded Kentucky horse, and I suppose we may expect every moment to hear it contended that they shall have a \$1,000 automobile to carry the mails. I am opposed to this amendment.

Mr. LOUD. Mr. Chairman, I have a suggestion to make to the House, why I asked the gentleman not to submit the amendment. First, because it is a question perhaps worthy of the consideration of this House for a whole day or two, and then I regarded it as impracticable at this hour, upon this bill, and when I say hour I mean at this hour of the session. I am prepared, when the occasion presents itself, to discuss the merits, and there are many of them to this question, but if the House is ready for a vote now, Mr. Chairman, I am willing to let it go to a vote. [Cries of "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. MADDOX. I would like to be heard a while.

Mr. LOUD. Mr. Chairman, I move to close debate on the paragraph and amendment.

The motion was agreed to.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Michigan.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WM. ALDEN SMITH. I ask for a division.

The committee divided; and there were—ayes 19, yeas 33.

Mr. WM. ALDEN SMITH. I raise the question of no quorum.

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of

the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and the postal service, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 953. An act to divide the State of West Virginia into two judicial districts.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5119. An act granting a pension to Jessie A. Bruner—to the Committee on Invalid Pensions.

S. R. 134. Joint resolution relating to leaves of absence granted officers of the Army—to the Committee on Military Affairs.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of Agriculture of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1900, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 17, 1901.

LUTIE M. NOWLIN.

The SPEAKER laid before the House the bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin, with Senate amendment.

The Senate amendment was read.

Mr. OTEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. OTEY, a motion to reconsider the last vote was laid on the table.

WESTERN JUDICIAL DISTRICT, STATE OF MISSOURI.

The SPEAKER laid before the House the bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri, with Senate amendments.

The Senate amendments were read.

Mr. BENTON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. BENTON, a motion to reconsider the last vote was laid on the table.

AMERICUS V. RICE.

The SPEAKER laid before the House the bill (S. 3890) granting an increase of pension to Americus V. Rice, with House amendments in which the Senate nonconcurred and asked for a conference.

Mr. GIBSON. Mr. Speaker, I move that the House insist and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. GIBSON, Mr. MINOR, and Mr. NORTON of Ohio.

JAMES A. THOMAS.

The SPEAKER laid before the House Senate bill 2433, granting an increase of pension to James A. Thomas, with House amendments in which the Senate nonconcurred and asked for a conference.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STALLINGS.

ELIZA L. REESE.

The SPEAKER laid before the House the bill (S. 2729) granting a pension to Eliza L. Reese, with House amendments in which the Senate nonconcurred and asked for a conference.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STALLINGS.

PERSONAL REQUESTS.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURTON, for one week, on account of illness.

To Mr. THOMAS of Iowa, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. House bill 10315, to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, was placed upon the Calendar of the Committee of the Whole House on the state of the Union, whereas it should have been placed on the Private Calendar. The Clerk will read the title to the bill.

The Clerk read as follows:

H. R. 10315. To provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation.

The SPEAKER. Without objection, this change will be made to the Private Calendar.

There was no objection.

And then, on motion of Mr. LOUD (at 5 o'clock and 43 minutes), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for repairs at the San Francisco mint—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Director of the Geological Survey, a recommendation as to printing copies of reports on Alaska—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill H. R. 3163, reported in lieu thereof a resolution (H. Res. 368) for the relief of Mrs. Salome Sengel, widow, accompanied by a report (No. 2359); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13595) for the relief of N. N. Lowry, reported the same without amendment, accompanied by a report (No. 2360); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5549) granting an increase of pension to Horatio N. Davis, reported the same without amendment, accompanied by a report (No. 2361); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10871) granting a pension to Mary A. Brown, widow of John E. Brown, reported the same with amendment, accompanied by a report (No. 2362); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4587) granting an increase of pension to Cora Van D. Chenoweth, reported the same with amendment, accompanied by a report (No. 2363); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13134) granting an increase of pension to William P. Rucker, reported the same with amendment, accompanied by a report (No. 2364); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4876) granting an increase of pension to Mary A. Merritt, reported the same without amendment, accompanied by a report (No. 2365); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10382) granting an increase of pension to James Mason, Ottawa, Kans., reported the same with amendment, accompanied by a report (No. 2366); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1211) granting an increase of pension to Ross Wheatley, reported the same without amendment, accompanied by a report (No. 2367); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12433) granting an increase of pension to Ferdinand Wagner, reported the same with

amendment, accompanied by a report (No. 2368); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2102) granting an increase of pension to Andrew Reed, reported the same without amendment, accompanied by a report (No. 2369); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11450) granting a pension to S. H. Duvall, reported the same with amendment, accompanied by a report (No. 2370); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1761) granting a pension to Girard Welch, reported the same without amendment, accompanied by a report (No. 2371); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13160) granting a pension to Sarah M. Lowell, reported the same with amendment, accompanied by a report (No. 2372); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5139) granting an increase of pension to Jacob Hight, reported the same without amendment, accompanied by a report (No. 2373); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12142) granting an increase of pension to William B. Wright, reported the same with amendment, accompanied by a report (No. 2374); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1828) granting a pension to Emma T. Martin, reported the same without amendment, accompanied by a report (No. 2375); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12241) granting an increase of pension to Franklin Warren, reported the same with amendment, accompanied by a report (No. 2376); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 63) granting an increase of pension to Cyrus A. B. Fox, reported the same without amendment, accompanied by a report (No. 2377); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11807) granting an increase of pension to John H. Bliss, reported the same with amendment, accompanied by a report (No. 2378); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon, reported the same without amendment, accompanied by a report (No. 2379); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10331) granting an increase of pension to Sylvanus A. Gifford, reported the same without amendment, accompanied by a report (No. 2380); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1628) granting a pension to Adolph Schrei, reported the same without amendment, accompanied by a report (No. 2381); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8650) granting an increase of pension to William C. Whitney, reported the same with amendment, accompanied by a report (No. 2382); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 57) granting an increase of pension to Joshua B. Harris, reported the same without amendment, accompanied by a report (No. 2383); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5639) for the relief of Harlin Keeling, reported the same with amendment, accompanied by a report (No. 2384); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2914) granting a pension to Wilson E. Carter, reported the same without amendment, accompanied by a report (No. 2385); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6148) granting a pension to William M. Tom, late of Company E, One hundred and fifty-ninth Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2386); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4155) granting a pension to Julia S. Goodfellow, reported the same without amendment, accompanied by a report (No. 2387); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11277) granting an increase of pension to Thomas A. Cord, reported the same with amendment, accompanied by a report (No. 2388); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1986), granting a pension to Fanny Healy, reported the same without amendment, accompanied by a report (No. 2389); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2506), granting an increase of pension to Joseph Kemper, reported the same with amendment, accompanied by a report (No. 2390); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4165) granting a pension to Dora Renfro, reported the same without amendment, accompanied by a report (No. 2391); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2901) granting a pension to Abner C. Ricketts, reported the same without amendment, accompanied by a report (No. 2392); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill H. R. 2237, reported in lieu thereof a resolution (H. Res. 369) for the relief of Sewell B. Corbett, accompanied by a report (No. 2393); which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13403) granting an increase of pension to John W. Thompson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 13631) to extend the time to redeem or make allowance for internal-revenue stamps, and to authorize the redemption of such stamps upon presentation of a certified copy of deed where the original deed is not obtainable, and being an amendment to bill entitled "An act authorizing the Commissioner of Internal Revenue to redeem or make an allowance for internal-revenue stamps," approved May 12, 1900—to the Committee on Ways and Means.

By Mr. SPARKMAN: A bill (H. R. 13632) to establish a light at Cape Romano, Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of New York: A bill (H. R. 13633) to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motor power—to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFECKER: A bill (H. R. 13634) for the establishment of a beacon light near Grubbs Landing, Delaware River, Delaware—to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH: A bill (H. R. 13635) to authorize the construction of a bridge across Little River, at or near mouth of Big Lake, State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. CALDERHEAD: A bill (H. R. 13661) fixing the rate of pension for persons eligible under the act of June 27, 1890, who require constant aid and attention—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A memorial of the general assembly of the State of South Carolina, advocating the improvement of the waterway between North Santee and South Santee rivers, South Carolina—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 13636) granting a pension to Edward Bryan—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 13637) granting an increase of pension to William H. Bolson—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13638) granting a pension to O. Gustave Roedel—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 13639) for pension to Mabel H. Lazear—to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 13640) granting a pension to Alexander Sandford Utter, alias Alexander M. Sandford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) granting a pension to Malinda Van Pelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13642) granting a pension to Oscar W. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13643) granting an increase of pension to William H. Van Riper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13644) granting an increase of pension to Christine B. Knapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13645) granting an increase of pension to Katharina Becker—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 13646) for the relief of John B. Rall—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 13647) to exempt two boilers built by Middleport Boiler Works from certain provisions of section 4434, Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Mississippi: A bill (H. R. 13648) for the relief of Dr. D. R. Lemman—to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 13649) granting an increase of pension to John W. Gibbs—to the Committee on Invalid Pensions.

By Mr. MOON (by request): A bill (H. R. 13650) for the relief of Mrs. E. L. Eblen—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 13651) granting a pension to Peter Mulligan—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13652) granting a pension to John Beeson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13653) for the relief of Enoch B. Chamberlin—to the Committee on Claims.

Also, a bill (H. R. 13654) releasing unto W. J. Cosgrove, Mary Cosgrove, Mary Ellen Cosgrove, and Annie Cosgrove any rights the United States may have in certain lands in Pensacola, Fla.—to the Committee on Claims.

By Mr. TATE: A bill (H. R. 13655) to pension Hix Patterson—to the Committee on Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 13656) granting an increase of pension to Silas Stotts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13657) granting a pension to Mary B. Evans—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: A bill (H. R. 13658) granting a pension to Henry Miller—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 13659) to remove the charge of desertion from the military record of Peter Tatro, alias John Goodro—to the Committee on Military Affairs.

By Mr. DAVIDSON: A bill (H. R. 13662) granting a pension to Sarah B. Ward—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13663) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Primitive Baptist Church, of Huntsville, Ala., for the use and occupation of said church building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of keeper and surfmen of Sheboygan (Wis.) life-saving station, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of citizens of South Bend, Ind., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. S. A. DAVENPORT: Petition of Mrs. A. H. Franciscus and other women, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. FOWLER: Petition of citizens of Plainfield, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: Petitions of keepers and surfmen of life-saving stations at Chedwick, Island Beach, Spring Lake, and Great Egg, New Jersey, asking for increase of pay for keepers and surfmen in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Statement of Lieut. Joseph G. Marshall, in support of House bill for the relief of John B. Rall—to the Committee on Military Affairs.

By Mr. HOFFECKER: Papers to accompany House bill for the establishment of a beacon light near Grubbs Landing, Delaware River, Delaware—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of Iowa College, Grinnell, Iowa, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. McRAE: Affidavits of C. M. Adams and M. E. Adams, to accompany House bill No. 12589, granting a pension to Lucinda E. Howard—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of citizens of Binghamton, N. Y., relating to traffic in alcoholic liquors, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of James Orton, of Caroline Center, N. Y., for a pension—to the Committee on Invalid Pensions.

By Mr. THAYER: Petition of Peter Tatro, alias John Goodro, for the removal of the charge of desertion against him—to the Committee on Military Affairs.

By Mr. TAYLER of Ohio: Petition of citizens of Youngstown, Ohio, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of F. J. Ullrich and other druggists in the State of Ohio, for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of Butler Grange, No. 993, Patrons of Husbandry, State of Ohio, favoring House bill No. 3717, to secure State control of imitation dairy products—to the Committee on Agriculture.

Also, petition of Butler Grange, No. 993, Patrons of Husbandry, of Ohio, favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Paper to accompany House bill for the relief of John W. Dougherty, private Company C, Twenty-second Regiment Missouri Volunteers—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 18, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CREDENTIALS.

Mr. LODGE presented the credentials of GEORGE FRISBIE HOAR, chosen by the legislature of the State of Massachusetts a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

GEORGE W. HOTT.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of George W. Hott, administrator de bonis non of William Hughes, deceased, vs. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, relating to the vessel ship *Active*, Micajah Gardner, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.